

1                   UNITED STATES DISTRICT COURT  
2                   FOR THE EASTERN DISTRICT OF MISSOURI

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4                   MISSOURI PRIMATE FOUNDATION, et al.,

5                   Plaintiff,

6                   vs.    Case No.

7                   PEOPLE FOR THE ETHICAL TREATMENT       4:16-cv-02163-CDP  
8                   OF ANIMALS, INC., et al.,

9                   Defendant.

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14                   Videotaped Deposition of CONNIE BRAUN CASEY,  
15                   taken on behalf of the Defendant, at the offices of  
16                   Rynearson, Suess, Schnurbusch & Champion, LLC, 500  
17                   N. Broadway, Suite 1550, in the City of St. Louis,  
18                   State of Missouri, on the 29th day of October, 2018,  
19                   before Kristine A. Toennies, RMR, CRR, CRC, CCR  
20                   (MO), CSR (IL & IA), and Notary Public.

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24                   JOB No. 3027726  
25                   PAGES 1 - 338



Page 1

<p>1 APPEARANCES OF COUNSEL:</p> <p>2</p> <p>3 FOR THE PLAINTIFF:</p> <p>4 By: Ms. Debbie S. Champion</p> <p>5 Rynearson, Suess, Schnurbusch &amp; Champion</p> <p>6 500 N. Broadway, Suite 1550</p> <p>7 St. Louis, MO 63102</p> <p>8 (314) 421-4430</p> <p>9 dchampion@rssclaw.com</p> <p>10</p> <p>11 FOR THE DEFENDANT:</p> <p>12 By: Ms. Martina Bernstein</p> <p>13 Mr. Jared Goodman</p> <p>14 PETA Foundation</p> <p>15 1536 16th St. N.W.</p> <p>16 Washington, D.C. 20036</p> <p>17 (202) 483-2190</p> <p>18 martinab@petaf.org</p> <p>19 jaredg@petaf.org</p> <p>20</p> <p>21 ALSO PRESENT:</p> <p>22 Mr. Tim Perry, Videographer</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 THE VIDEOGRAPHER: Good morning. We're</p> <p>2 going on the record at 9:05 a.m. on October 29,</p> <p>3 2018. Please note that the microphones are</p> <p>4 sensitive and may pick up whispering, private</p> <p>5 conversations and cellular interference. Please</p> <p>6 turn off all cell phones or place them away from the</p> <p>7 microphones as they can interfere with the</p> <p>8 deposition audio. Audio and video recording will</p> <p>9 continue to take place unless the parties agree to</p> <p>10 go off the record.</p> <p>11 This is media unit one of the video-recorded</p> <p>12 deposition of Connie Braun Casey taken by counsel</p> <p>13 for Defendants and Counterclaim-Plaintiffs in the</p> <p>14 matter of the Missouri Primate Foundation versus the</p> <p>15 People for the Ethical Treatment of Animals filed in</p> <p>16 the United States District Court, Eastern District</p> <p>17 of Missouri, Eastern Division, Case Number</p> <p>18 4:16-CV-02163.</p> <p>19 This deposition is being held at Rynearson,</p> <p>20 Suess, Schnurbusch &amp; Champion located at 500 North</p> <p>21 Broadway in St. Louis, Missouri.</p> <p>22 My name is Tim Perry, Certified Legal Video</p> <p>23 Specialist, from the firm Veritext Legal Solutions,</p> <p>24 and I am the videographer. The court reporter is</p> <p>25 Kris Toennies from Veritext Legal Solutions.</p>
Page 2	Page 4
Page 3	Page 5

2 (Pages 2 - 5)

<p>1 A Good morning.</p> <p>2 Q State your name and address, please.</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 Q What is the month and year of your birth?</p> <p>6 A 6/5/49.</p> <p>7 Q Are you presently employed?</p> <p>8 A No.</p> <p>9 Q Can you briefly describe any employment you had in the past?</p> <p>11 A All my life? Is that what you're talking about?</p> <p>13 Q Right. If you can briefly describe any employment history.</p> <p>15 A Okay. I worked at White-Rodgers company, and I worked at Carter Carburetor as an assembler.</p> <p>17 I worked at Colonial Cleaners Laundromat, and I worked briefly at a pet shop.</p> <p>19 Q And are you presently retired?</p> <p>20 A I don't know if you'd call it retired or not. I work every day.</p> <p>22 Q From when until when do you work every day?</p> <p>23 A Well, from morning 'til night.</p> <p>24 Q From when to when? What are the hours?</p> <p>25 A Usually around 7 until about 9:00 at night.</p>	<p>1 A Pretty much, yeah.</p> <p>2 Q Can you briefly describe your educational background.</p> <p>4 A I quit school at my junior year, and I finished through -- high school through a correspondence course.</p> <p>7 Q What animals are presently housed at the facility?</p> <p>9 A Chimpanzees, and if you're talking about what's governed by USDA, that's it.</p> <p>11 Q No, my question was what animals are currently at the facility?</p> <p>13 MS. CHAMPION: Well, your facility, your definition of facility referred to just what's covered under USDA, so that's what she's talking about.</p> <p>17 A Correct; that's what you said.</p> <p>18 Q (By Ms. Bernstein) Well, but you house other animals at the facility. The fact that they're licensed -- that the facility is licensed by the USDA has no bearing on whether you have other animals there, and I'm presently just asking you to list what animals presently are housed at the facility?</p> <p>25 MS. CHAMPION: I'm going to object as vague</p>
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Page 6

Page 8

<p>1 Q 7 a.m. until 9 p.m.?</p> <p>2 A Correct.</p> <p>3 Q You work from the hours of 7 a.m. until 9 p.m. And where do you work?</p> <p>5 A At home taking care of the animals.</p> <p>6 Q When you say at home, where at home are the animals that you take care of from 7 a.m. until 9 p.m.?</p> <p>9 A On my property.</p> <p>10 Q Is that the facility for which you are licensed by the USDA?</p> <p>12 A Yes.</p> <p>13 Q Okay. From now on I will refer to that as the facility.</p> <p>15 A Okay.</p> <p>16 Q And that will mean the property where you care for the animals that is licensed by the USDA.</p> <p>18 A Correct.</p> <p>19 Q Do you take any breaks between 9 a.m. -- 20 between 7 a.m. until 9 p.m.?</p> <p>21 A Sure. I have --</p> <p>22 Q Okay. When --</p> <p>23 A I have potty breaks. I have snack breaks.</p> <p>24 Q But other than that, from 7 a.m. until 9 p.m. you work at the facility?</p>	<p>1 in that that is contradictory to the prior definition of facility, but if you understand, you can answer or you can just tell her what animals are on the property.</p> <p>5 A There's dogs and cats.</p> <p>6 Q (By Ms. Bernstein) Okay. How many chimpanzees?</p> <p>8 A Currently, there's eight.</p> <p>9 Q Is that Tonka, Tammy, Connor, Candy, Chloe, Mikayla, Kerry and Crystal?</p> <p>11 A Correct.</p> <p>12 Q How many dogs are at the facility?</p> <p>13 A I don't see where that makes any difference.</p> <p>14 Q How many dogs are at the facility?</p> <p>15 A Right now there's one, two, three, four, five, six.</p> <p>17 Q Six dogs. How many cats are at the facility?</p> <p>19 A Roughly at any given time there's probably six.</p> <p>21 Q And do the dogs have access to the area where the chimpanzees are housed?</p> <p>23 A No.</p> <p>24 Q Do the cats have access to the area where the chimpanzees are housed?</p>
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Page 7

Page 9

3 (Pages 6 - 9)

<p>1 A No.</p> <p>2 Q Where are the dogs kept?</p> <p>3 A Either in my home or they go outside.</p> <p>4 Q Is there an outside where there's an enclosure?</p> <p>5 A Yes.</p> <p>7 Q And is -- is that the same outside where there's an enclosure for chimpanzees?</p> <p>9 A At any given time there's other chimps, so I wouldn't say four chimpanzees. There could be two.</p> <p>11 There could be three. There could be four.</p> <p>12 Q Right. There is an enclosure outside where chimpanzees might have access to?</p> <p>14 A Correct.</p> <p>15 Q And is that the same outside that the dogs have access to?</p> <p>17 A The dogs don't have access to the enclosure because it's got a perimeter fence.</p> <p>19 Q Right. The outside area, is that the same outside area where the dogs are able to go to where they can observe the chimpanzees and vice versa --</p> <p>22 A Correct.</p> <p>23 Q -- they can see each other? Can you describe where you keep records relating to the facility and the chimpanzees?</p>	<p>1 there.</p> <p>2 Q Which daughter?</p> <p>3 A Lisa, Lisa Harned.</p> <p>4 Q Did you arrange -- Did you make prior arrangements for Tonia and Lisa to be there today?</p> <p>6 A Yes.</p> <p>7 Q Did you make that arrangement via e-mail?</p> <p>8 A No.</p> <p>9 Q Did you call them?</p> <p>10 A Yes, I talked to them.</p> <p>11 Q Who did you speak with about your deposition today?</p> <p>13 A Who did I speak with?</p> <p>14 Q Yes.</p> <p>15 A Are you talking about any length of time?</p> <p>16 From the beginning?</p> <p>17 Q About the subject of your deposition.</p> <p>18 A Oh, probably my daughter, Tonia, my friends that volunteer.</p> <p>20 Q Who are the friends that volunteer?</p> <p>21 A Penny and Byron Healzer, Tonia Haddix.</p> <p>22 Actually, my other daughter knows that I'm here. I didn't really talk to her about the deposition.</p> <p>24 Q What's the name of your other daughter?</p> <p>25 A Sylvania Naumann.</p>
<p style="text-align: right;">Page 10</p> <p>1 A My records are kept in my USDA folder.</p> <p>2 Q You have a USDA folder?</p> <p>3 A Uh-huh.</p> <p>4 Q Other than your USDA folder, do you keep any other records anywhere, photographs, videos, e-mails?</p> <p>7 A My phone, maybe a camera, but I haven't used my camera for years.</p> <p>9 Q Is that the smart phone that you're referring to? Do you receive e-mails on that phone?</p> <p>11 A Yes, I can.</p> <p>12 Q So do you receive e-mails relating to the chimpanzees at your phone?</p> <p>14 A I -- very seldom do I have e-mails relating to the chimpanzees.</p> <p>16 Q But you do receive e-mails relating to the chimpanzees at your phone?</p> <p>18 A I've had this phone about a year, so yeah.</p> <p>19 Q And before then did you have a different phone?</p> <p>21 A Yes.</p> <p>22 Q And you got e-mails on that phone?</p> <p>23 A No.</p> <p>24 Q Who is taking care of the chimpanzees today?</p> <p>25 A Actually, my daughter is there and Tonia is</p>	<p style="text-align: right;">Page 12</p> <p>1 Q I'm sorry?</p> <p>2 A Sylvania Naumann.</p> <p>3 Q Can you spell that, please.</p> <p>4 A S-Y-L-V-A-N-I-A N-A-U-M-A-N-N.</p> <p>5 Q Are these the only children you have?</p> <p>6 A Yes.</p> <p>7 Q No other daughters or sons?</p> <p>8 A No. I do have a stepdaughter.</p> <p>9 Q And what is her name?</p> <p>10 A Sheila -- I haven't talked to her for years.</p> <p>11 I don't know what her last name is anymore.</p> <p>12 Q And did you also prepare for your deposition by speaking with your attorneys?</p> <p>14 MS. CHAMPION: I'm going to object to attorney-client privilege.</p> <p>16 MS. BERNSTEIN: That's just a yes or no.</p> <p>17 MS. CHAMPION: It's still attorney-client privilege.</p> <p>19 Q (By Ms. Bernstein) You can answer.</p> <p>20 A Yes.</p> <p>21 Q For how long?</p> <p>22 MS. CHAMPION: No, you're not answering that. That's attorney-client privilege. You can take that up.</p> <p>25 Q (By Ms. Bernstein) Would answering my</p>

Page 11

Page 13

4 (Pages 10 - 13)

1 question reveal any legal advice you received or  
 2 requested from any attorney?

3 MS. CHAMPION: It reveals the attorney's  
 4 thought process regarding preparation, so you can  
 5 ask the question and make your certified. That's  
 6 something --

7 MS. BERNSTEIN: Well, I did ask my question.

8 MS. CHAMPION: Yeah, but you need to do more  
 9 than that to make it certified.

10 Q (By Ms. Bernstein) Would answering my  
 11 question reveal any legal advice you received or  
 12 requested from any attorney?

13 A No, I don't think so.

14 Q Okay. For how long did you meet with the  
 15 attorneys?

16 MS. CHAMPION: Again, I'm going to object to  
 17 this as attorney-client privilege and advise the  
 18 witness not to answer.

19 Q (By Ms. Bernstein) For how long did you  
 20 speak with your attorneys?

21 A I'm not --

22 MS. CHAMPION: I'm advising you not to  
 23 answer.

24 A I'm not going to answer.

25 Q (By Ms. Bernstein) Were you shown any

Page 14

1 the witness not to answer.

2 A I'm not going to answer.

3 Q (By Ms. Bernstein) You're not going to tell  
 4 me if any of the documents that you were shown  
 5 refreshed your recollection?

6 MS. CHAMPION: Same objection. You have to  
 7 tell her one way or the other whether you're going  
 8 to answer.

9 Q (By Ms. Bernstein) Who is Dr. Pernikoff?

10 A He's the veterinarian, my veterinarian.

11 Q When you say he's your veterinarian, what do  
 12 you mean by that? What exactly is his role?

13 A He's the veterinarian I call if I have any  
 14 issues or problems or health issues with the chimps.

15 Q When did you last speak with Dr. Pernikoff?

16 A I don't even know what today's date.

17 Probably two weeks ago. Between two and three weeks  
 18 ago probably.

19 Q And what was the subject that you discussed  
 20 with Dr. Pernikoff two to three weeks ago?

21 A It was our chimp Kimmy being sick.

22 Q Have you reviewed the deposition testimony  
 23 of Dr. Pernikoff?

24 A I have not.

25 Q Do you know what he testified about?

Page 16

1 documents?

2 MS. CHAMPION: This is absolutely improper.  
 3 You know that. If you don't know that, we need to  
 4 have a call to the judge. If you do know it and you  
 5 just want to get this on record, I'm fine to go  
 6 ahead and object.

7 MS. BERNSTEIN: Just make your objection. I  
 8 don't need to be lectured.

9 MS. CHAMPION: No, we're not going to  
 10 continue this. I'm not going to let you continue  
 11 this deposition if we're going to go down this  
 12 route. I'll make an objection to no more than two  
 13 or three more questions and advise her not to  
 14 answer, and then we'll end the deposition.

15 So on this one again I'm going to object to  
 16 attorney-client privilege, violation of  
 17 attorney-client privilege and work product,  
 18 depending on how broad the question is, and advise  
 19 the witness not to answer.

20 Q (By Ms. Bernstein) Were you shown any  
 21 documents?

22 A I'm not going to answer.

23 Q Did any documents that you were shown  
 24 refresh your recollection?

25 MS. CHAMPION: Same objection. I'm advising

Page 15

1 MS. CHAMPION: You can answer that question  
 2 except with respect to what I would have told you,  
 3 that to that portion of it I'm going to object as  
 4 attorney-client privilege, but to what anybody else  
 5 told you, any other person other than your attorney,  
 6 you can answer.

7 A Let's see, Dan Batten had said that --

8 MS. CHAMPION: Okay, was he your attorney  
 9 when he told you something?

10 THE WITNESS: Yeah.

11 MS. CHAMPION: Okay, so I'll just broaden  
 12 what I told you. You can't testify as to what any  
 13 attorney who represented you at the time they told  
 14 you something told you about Dr. Pernikoff's  
 15 deposition, but if anybody else read it and told  
 16 you, you can testify.

17 A Okay. I haven't talked to anybody else  
 18 then.

19 Q (By Ms. Bernstein) You didn't talk with  
 20 Dr. Pernikoff about his deposition either?

21 A No, I have not.

22 Q Are you familiar with an entity called the  
 23 Missouri Primate Foundation?

24 A Yes.

25 Q For purposes of this deposition, I will

Page 17

5 (Pages 14 - 17)

er to Missouri Primate Foundation as MPF. Do you understand that?

A Yes.

Q In or around November 2, 2016, did you receive a notice or a notice letter from PETA and Angela Scott that they intended to file suit against you, MPF and others?

A Yes.

Q And do you recall the notice proposed that the chimpanzees that were housed at the facility at the time should be retired to an accredited sanctuary?

A It was in the letter?

Q Yes.

A Yes.

Q And did you discuss that proposal with the MPF board of directors?

A Yes, we talked.

Q Who was on the board of directors at the time?

A Lisa Harned, Debbie Marshall, myself and --

Q You were on the board?

A Well, I don't know. I think I was. I'm not sure.

Q Who else was on the board?

Page 18

A Doug, Dr. Doug Pernikoff.

Q And what did the board discuss about the proposal to send chimpanzees to an accredited sanctuary?

A What we discussed is I take very good care of my chimpanzees. I don't feel that the sanctuaries can do any better a job with my chimpanzees, and I didn't think it was proper, and who is PETA or Angela Scott to want to take my animals that I love as my family and move them to another sanctuary that's got two or three hundred chimpanzees. How could they know my chimpanzees and care for them any better than I can?

Q That is what the board discussed?

A That's what we discussed.

Q Well, I'm not asking about "we" because --

A Okay, you asked the people on the board?

Q I have to finish. I want to know what the board of directors discussed.

A I just told you.

Q Okay. So the board of directors had that discussion? If I ask the other board members, they could confirm that that discussion took place?

A Yes.

Q Were any minutes taken --

Page 19

1 A No.

2 Q -- of that discussion?

3 A No. It wasn't at a proper board meeting.

4 Q Did the board convene? Were all the board members --

6 A No, no.

7 Q Do you understand what it means to have a board?

9 A Yes.

10 Q I'm not asking about whether you had individual discussions with individuals at certain periods of time. I would like to know whether you discussed the proposal with the board of directors?

14 A All together at one time?

15 Q Yes.

16 A No.

17 Q Why not?

18 A We just didn't.

19 Q Do you recall about a month after you received the initial notice receiving a letter from PETA's and Angela Scott's lawyer again proposing that the chimpanzees at MPF, at the facility, should be retired to an accredited sanctuary?

24 A Yes.

25 Q And did you discuss that proposal with the

Page 20

1 board of directors?

2 A No.

3 Q Why not?

4 A Because we weren't together and didn't have a board meeting.

6 Q I'm sorry?

7 A We were not together at a board meeting.

8 Q Did you ever have any board meetings?

9 A No.

10 Q Why not?

11 A Because we just didn't.

12 Q Are you aware that at the time that the board did not function as a board?

14 A I guess.

15 Q And why didn't you do -- not do anything to correct that?

17 A We just didn't have any board meetings.

18 Q Right. The question is why?

19 A Because we just did not do it. There was not time. We didn't get together.

21 Q Did you do anything that was required to be done in order for the Missouri Primate Foundation to function as a nonprofit organization?

24 A As far as a board meeting?

25 Q As far as recordkeeping, as far as any

Page 21

1 activity of -- that are required to be undertaken of  
2 a nonprofit organization.  
3 MS. CHAMPION: I'm going to object as  
4 calling for a legal conclusion. You can answer if  
5 you know.  
6 A I guess not.  
7 Q (By Ms. Bernstein) Was it your understanding  
8 from the second letter that you received that PETA  
9 and Ms. Scott would not approve if you transferred  
10 the chimpanzees to an unaccredited zoo instead of an  
11 accredited sanctuary?  
12 MS. CHAMPION: I'm going to object as  
13 calling for speculation, but you can answer.  
14 A When you talk about accredited, you're just  
15 talking about PETA accredited? There's lots of  
16 sanctuaries out there, lots of private-owned  
17 sanctuaries that is not PETA accredited or GFAS  
18 accredited.  
19 Q (By Ms. Bernstein) Right.  
20 A But are accredited sanctuaries.  
21 Q Right. But you recall in the letter that  
22 you received the proposal by PETA and Ms. Scott were  
23 to send the chimpanzees at the facility to a  
24 sanctuary accredited by the Global Federation of  
25 Animal Sanctuaries, otherwise known as GFAS?

Page 22

1 chimpanzees, you did it in order to address PETA and  
2 Ms. Scott's concerns?  
3 A No, that's not true. When those chimpanzees  
4 were transferred, that was discussed way before I  
5 ever got that letter from PETA.  
6 Q So this transfer that you referred to, the  
7 first transfer took place on December 22, 2016; is  
8 that correct?  
9 A That's probably correct.  
10 Q And what were the names of the chimpanzees  
11 you send -- you transferred in December of 2016?  
12 A Kirby, KK and Daisy.  
13 Q And where were they transferred to?  
14 A DeYoung Zoo.  
15 Q And why did you decide to send Kirby, KK and  
16 Daisy to the DeYoung Zoo in December of 2016?  
17 A Well, as I said, it was previously  
18 discussed, and when they had their facility upgraded  
19 and ready, it was discussed that those three would  
20 be sent.  
21 Q Kirby, KK and Daisy were identified  
22 previously as three chimpanzees who you would  
23 transfer to the DeYoung Zoo?  
24 A Uh-huh, yes, ma'am.  
25 Q And with whom did you have those

Page 24

1 A Are you asking me if I seen that in the  
2 letter?  
3 Q Right.  
4 A Yes.  
5 Q So you understood that what PETA and  
6 Ms. Scott proposed was to send the chimpanzees to a  
7 sanctuary accredited by GFAS?  
8 A Yes, I understand that.  
9 Q And you therefore also understood that PETA  
10 and Ms. Scott would not approve if you were to send  
11 the chimpanzees let's say to an unaccredited private  
12 zoo, for example?  
13 MS. CHAMPION: I'm going to object as  
14 calling for speculation. You can answer.  
15 A I'm not exactly sure how to answer that  
16 question because I felt it was none of PETA or  
17 Angela Scott's business to start off with.  
18 Q (By Ms. Bernstein) Okay. So you did not  
19 care whether or not or what PETA and Ms. Scott would  
20 want to approve or not?  
21 A Right, because those chimpanzees are my  
22 life, and they belong to me. It's none of PETA or  
23 Angela Scott's business.  
24 Q Right. So it would certainly be false to  
25 say that when you transferred some of the

Page 23

1 discussions?  
2 A Carrie. She also -- she goes by Carrie  
3 Cramer or Carrie DeYoung.  
4 Q And when did you have those discussions with  
5 her?  
6 A There was some discussion in 2015. We  
7 talked off and on over the years but basically 2015  
8 and 2016.  
9 Q And were those discussions over the phone or  
10 via e-mail or correspondence?  
11 A They were -- some were over the phone and  
12 some were in person.  
13 Q Which ones were in person?  
14 MS. CHAMPION: I'm going to object as vague.  
15 Q (By Ms. Bernstein) Can you identify  
16 conversations you had in person with Carrie Cramer?  
17 MS. CHAMPION: Are you asking her what she  
18 talked about in person? I'm going to object again  
19 as vague. I'm not sure what you're talking about,  
20 but if you know, you can answer.  
21 Q (By Ms. Bernstein) Can you identify those  
22 communications that you had in person?  
23 A I talked to Carrie. She came to visit the  
24 facility, look at the facility, get ideas as far as  
25 working on their facility, and I talked about once

Page 25

7 (Pages 22 - 25)

1 they had their addition built, the transfer of the  
2 chimps. That's probably that at that time. There  
3 was another time when Carrie came in with her  
4 father.

5 Q Do you have the dates, the approximate dates  
6 of those visits?

7 A Those two visits I think were probably early  
8 April.

9 Q Of what year?

10 A I'm trying to think. I think it would have  
11 been 2016 April, and -- I think it was April and --  
12 it was either in July or September, the early parts.

13 Q Of 2016?

14 A Yes.

15 Q And after Kirby, KK and Daisy were sent to  
16 the DeYoung Zoo, you, MPF, and others filed a  
17 lawsuit against PETA and Angela Scott. Do you  
18 recall that?

19 A Yes.

20 Q And what was the reason why you decided to  
21 file this lawsuit?

22 A Actually, I'm not exactly sure what the  
23 total idea was. Kurt Reeg was trying to help in the  
24 attorney situation, and I think he felt it was  
25 better if we filed the suit I think probably to try

Page 26

1 resigning from the board?

2 A He did.

3 Q So he did not agree because he was not  
4 even --

5 A It was probably talked about before Dr. Doug  
6 resigned.

7 Q Probably? Are you sure?

8 A I'm not a hundred percent sure.

9 Q If you're not certain, I would appreciate  
10 you not speculating about conversations that you  
11 believe happened. If you don't know, just tell me.

12 A I know the conversations happened.

13 Q Do you recall in July 2017 PETA's and  
14 Ms. Scott's lawyer sent a letter to Kurtis Reeg  
15 specifically requesting that all evidence be  
16 preserved in this case?

17 A I am not sure.

18 Q Do you recall Mr. Reeg advising you of the  
19 content of the letter where PETA's and Ms. Scott's  
20 lawyer requested that all evidence be preserved in  
21 this case?

22 MS. CHAMPION: I'm going to object as  
23 calling for attorney-client privilege. Again, if he  
24 was your attorney during the time this would have  
25 occurred -- and she specifically indicated July

Page 28

1 to get it dismissed is my understanding.

2 Q Would it be fair to say that the MPF board  
3 of directors never approved the filing of that  
4 lawsuit?

5 A If you're talking about if we had a meeting  
6 of a group and discussed it as a group.

7 Q Right.

8 A That didn't happen.

9 Q Did you ask any member of the board to  
10 approve the filing of the lawsuit by MPF?

11 A We -- it was talked about individual, and I  
12 think everybody was on the same page as an  
13 agreement. We didn't have an official meeting.

14 Q So you discussed with every board member  
15 whether they agreed with MPF filing a lawsuit, and  
16 each individual board member said they agreed? Is  
17 that your testimony?

18 A I'll just say the people on the board that I  
19 talked to, nobody objected.

20 Q Well, you said the people on the board that  
21 you talked to. Do you know who was on the board at  
22 the time?

23 A I think I just told you just a couple  
24 questions ago. Lisa, Debbie Marshall, Dr. Doug.

25 Q Didn't Mr. Pernikoff send you a letter

Page 27

1 2017 -- then I would object on attorney-client  
2 privilege and advise you not to answer.

3 MS. BERNSTEIN: Ms. Champion, I believe that  
4 was waived. We received a letter from Mr. Reeg on  
5 July 20, 2017, stating, quote, "As an officer of the  
6 court, I represent to you that I have advised my  
7 clients of the content of your preservation letter,"  
8 end quote.

9 Clearly whether or not he advised that issue  
10 was waived by representing it to us, and I'm  
11 entitled to ask this witness whether or not Mr. Reeg  
12 did in fact advise you of the contents of the letter  
13 whereas PETA and Ms. Scott requested that all  
14 evidence be preserved in this case?

15 MS. CHAMPION: Okay, so in response to that,  
16 I know you know as an attorney that the privilege  
17 lies with the client and not the attorney, and in  
18 fact, if he did waive it, then she may have a claim  
19 against him for waiver.

20 However, you've already asked her whether  
21 she knew that he sent a letter, and her answer was  
22 no. I will not allow her to answer what her  
23 attorney did with respect to her, and so again, I  
24 would object to the question of whether Mr. Reeg  
25 discussed and/or sent her something as falling in

Page 29

8 (Pages 26 - 29)

1 attorney-client privilege.  
 2 I have allowed her to answer whether she  
 3 knew about the letter, but I will not allow her to  
 4 answer what Mr. Reeg did or didn't do because it  
 5 falls under attorney-client privilege, so I advise  
 6 you not to answer that.  
 7 Q (By Ms. Bernstein) Did Mr. Reeg advise you  
 8 of the content of the letter wherein PETA and  
 9 Ms. Scott requested that all evidence be preserved?  
 10 MS. CHAMPION: Same objection. I advise you  
 11 not to answer.  
 12 A I'm not going to answer.  
 13 MS. BERNSTEIN: Could we please mark this as  
 14 Casey Exhibit 1.  
 15 (Deposition Exhibit 1  
 16 marked for identification.)  
 17 Q (By Ms. Bernstein) Ms. Casey, I'm handing  
 18 you what has been marked as Exhibit 1, a letter  
 19 dated July 18, 2017, from Jared Goodman to your  
 20 attorney at the time, Kurtis Reeg.  
 21 The first sentence states, "I am writing to  
 22 confirm that your clients, Missouri Primate  
 23 Foundation and Connie Braun Casey, Andrew Sawyer and  
 24 Jane Doe II, 'plaintiffs,' are preserving any and  
 25 all information that may be relevant to this matter,

Page 30

1 privileged information.  
 2 A Yes.  
 3 Q (By Ms. Bernstein) Okay.  
 4 MS. BERNSTEIN: I would like to mark this as  
 5 Casey Exhibit 2.  
 6 (Deposition Exhibit 2  
 7 marked for identification.)  
 8 Q (By Ms. Bernstein) Ms. Casey, I'm handing  
 9 you what's been marked as Casey Exhibit 2, a July  
 10 20, 2017, letter from Kurtis Reeg to counsel for  
 11 PETA and Ms. Scott.  
 12 The second paragraph states, quote, "While  
 13 we appreciate your thoughts regarding preservation,  
 14 my clients and I think we know what our preservation  
 15 obligations are and that we have complied with same.  
 16 The duty to preserve evidence does not eviscerate  
 17 certain normal business operations," end quote. Do  
 18 you see that?  
 19 A Yes.  
 20 Q Is it fair to say that you know your  
 21 preservation obligations with respect to evidence in  
 22 this case, Ms. Casey?  
 23 MS. CHAMPION: I object as calling for a  
 24 legal conclusion, but you can answer.  
 25 A I'm not exactly sure what you're asking.

Page 32

1 including but not limited to each of the chimpanzees  
 2 at issue in the state and location that they are  
 3 currently in to ensure that PETA and Ms. Scott will  
 4 have access to evidence during the pendency of this  
 5 litigation," end quote. Do you see that?  
 6 MS. CHAMPION: I object as lack of  
 7 foundation, but she's asking you whether you see  
 8 what she just read.  
 9 A Yes, I see this.  
 10 Q (By Ms. Bernstein) Have you seen this letter  
 11 before?  
 12 A I don't recall.  
 13 Q But you were aware, were you not, that the  
 14 lawyer for PETA and Ms. Scott requested that all  
 15 evidence be preserved?  
 16 A Am I aware?  
 17 Q Yes.  
 18 A Yes. You know what? I am aware. I was  
 19 advised by Mr. Reeg --  
 20 MS. CHAMPION: Okay, you can't testify as to  
 21 what you were advised by Mr. Reeg, so I'm going to  
 22 interrupt you. Her question was are you aware that  
 23 PETA had requested that all evidence be preserved?  
 24 You can answer that question, but you can't tell her  
 25 where you found it out or any attorney-client

Page 31

1 Q (By Ms. Bernstein) Do you have an  
 2 understanding of what your obligations are with  
 3 respect to preserving evidence in this case?  
 4 A Yes.  
 5 Q And what is your understanding of your  
 6 obligation?  
 7 A My understanding is I guess I'm supposed to  
 8 preserve evidence, but I'm not exactly sure what  
 9 that means.  
 10 Q Have you sought the advice of your  
 11 attorneys? And I'm just asking for a yes or no  
 12 to -- you're saying you don't know what it means to  
 13 preserve evidence. Have you asked your attorneys to  
 14 advise you what that means to preserve evidence in  
 15 this case?  
 16 MS. CHAMPION: I'm going to object as  
 17 calling for attorney-client privileged  
 18 communications and advise you not to answer.  
 19 MS. BERNSTEIN: It just asks for a yes or  
 20 no --  
 21 MS. CHAMPION: It doesn't matter.  
 22 MS. BERNSTEIN: -- whether or not she did  
 23 seek that advice.  
 24 MS. CHAMPION: It means the same thing.  
 25 It's attorney-client privilege. You know it's

Page 33

<p>1 attorney-client privilege.</p> <p>2 Q (By Ms. Bernstein) Would answering my 3 question reveal any legal advice you received or 4 requested from any attorney?</p> <p>5 A I'm not going to answer.</p> <p>6 Q Okay. A week after your attorney sent this 7 letter -- and you can put it aside -- approximately 8 a week after that you removed more chimpanzees from 9 the facility; is that right? July 27 you removed 10 more chimpanzees. Do you recall that?</p> <p>11 A I'm not sure what you're talking about more.</p> <p>12 Q There were two occasions when chimpanzees 13 were transferred from the facility to the DeYoung 14 Zoo; is that right?</p> <p>15 A That's correct.</p> <p>16 Q The first occasion was in December of 2016, 17 and the second occasion was in -- on July 27 --</p> <p>18 A Okay, correct.</p> <p>19 Q -- of 2017. Do you recall that?</p> <p>20 A Yes.</p> <p>21 Q A week after your lawyer sent a letter 22 saying, My clients understand their duty to preserve 23 evidence?</p> <p>24 A That's correct.</p> <p>25 Q Who were the chimpanzees who were</p>	Page 34	<p>1 A No.</p> <p>2 Q Did you become at some point unable to take 3 care of KK?</p> <p>4 A No.</p> <p>5 Q Did you become unable to take care of Daisy?</p> <p>6 A No.</p> <p>7 Q Did you become unable to take care of 8 Cooper?</p> <p>9 A No.</p> <p>10 Q Did you become unable to take care of Coby?</p> <p>11 A No.</p> <p>12 Q So to the extent that you said it was 13 discussed that you would transfer chimpanzees if you 14 were unable to take care of them, that did not in 15 your mind happen at that time; right?</p> <p>16 A Right.</p> <p>17 Q You believed you could still fully take care 18 of these animals?</p> <p>19 A Right. They were transferred to make my 20 workload lighter.</p> <p>21 Q You felt the need to lighten your workload?</p> <p>22 A Yes.</p> <p>23 Q It was not the normal business of MPF to 24 transfer chimpanzees to other entities; isn't that 25 right?</p>	Page 36
<p>1 transferred on July 27, 2017?</p> <p>2 A Cooper and Coby.</p> <p>3 MS. CHAMPION: Is Coby with a K?</p> <p>4 THE WITNESS: C-O-B-Y.</p> <p>5 Q (By Ms. Bernstein) And where did they get 6 transferred to?</p> <p>7 A DeYoung Zoo.</p> <p>8 Q And why did Cooper and Coby in particular 9 get transferred to the DeYoung Zoo?</p> <p>10 A Those were the chimps that we talked about 11 previously moving.</p> <p>12 Q I thought previously you only talked about 13 Kirby, KK and Daisy?</p> <p>14 A No. Previously we talked about five of 15 them.</p> <p>16 Q Five?</p> <p>17 A Uh-huh. Actually, previously we talked 18 about all the chimps if at some time I wasn't able 19 to take care of them.</p> <p>20 Q When did you specifically talk about Cooper 21 and Coby?</p> <p>22 A Back in probably early 2016, or it may have 23 even been the last part of 2015.</p> <p>24 Q At some point did you become unable to take 25 care of Kirby?</p>	Page 35	<p>1 A I don't know what you're calling the normal 2 workload. In the past I have transferred other 3 chimpanzees to other facilities, so --</p> <p>4 Q The normal business of MPF was to provide a 5 forever home for primates; isn't that right?</p> <p>6 A Yes.</p> <p>7 Q That was the stated mission of MPF in fact; 8 right?</p> <p>9 A Right.</p> <p>10 Q So it was not the normal course of business 11 for MPF to get rid of chimpanzees?</p> <p>12 A That wasn't the original intent.</p> <p>13 Q Right. And at the time you transferred 14 Kirby, KK, Daisy, Cooper and Coby to the DeYoung 15 Zoo, you understood that you therefore prevented 16 those chimpanzees from being sent to an accredited 17 sanctuary as PETA and Ms. Scott had requested; you 18 understood that?</p> <p>19 A You know what? It was discussed way prior 20 to before all this PETA crap come into play about 21 moving those chimps.</p> <p>22 Q But didn't you yourself say that what you 23 did -- what was discussed is that they would get the 24 chimpanzees if you would not any longer be able to 25 care for them; right?</p>	Page 37

1 MS. CHAMPION: I'm going to object as a  
2 mischaracterization of her prior testimony. You can  
3 answer.

4 A Okay, then ask the question again.

5 Q (By Ms. Bernstein) Yes. What was discussed  
6 previously with DeYoung was that you would give  
7 them -- transfer chimpanzees to them if you could  
8 not take care of them?

9 A Okay, but that was kind of a broad spectrum.  
10 Not only if I couldn't take care of them, but it was  
11 to make my workload lighter for me.

12 Q And you understood that by sending the  
13 chimpanzees to the DeYoung Zoo, you would not be  
14 able to have them transferred to an accredited  
15 sanctuary?

16 A You --

17 Q I have to finish -- to an accredited  
18 sanctuary as PETA and Ms. Scott had requested? You  
19 understood that?

20 A I understood that? Yes, I guess.

21 Q And it certainly would be false to say that  
22 you transferred the chimpanzees to the DeYoung Zoo,  
23 quote, "in the hopes that you would relieve PETA and  
24 Ms. Scott of their concerns," end quote?

25 A You know what? I didn't even think of PETA

Page 38

1 that each staff member had in the care of  
2 chimpanzees?

3 A That would have to be no.

4 Q No, you did not?

5 A No, I did not.

6 Q Did you ask whether the DeYoung Zoo had any  
7 experts in chimpanzee care?

8 A I did not ask. I know they had their own  
9 chimpanzees, so I'm sure that they have -- are quite  
10 capable of taking good care of the chimps.

11 Q Just because they have a chimpanzee, you  
12 feel confident that they have the ability to take  
13 care of chimpanzees?

14 A Yes.

15 Q Did you try to find out before you  
16 transferred any of your chimpanzees whether DeYoung  
17 Zoo had sufficient funds to provide adequate  
18 veterinary care?

19 A No, I did not.

20 Q Did you discuss with anyone before you  
21 agreed to the transfer of your chimpanzees what type  
22 of enrichment the chimpanzees would receive?

23 A Yes.

24 Q With whom did you have that discussion?

25 A Carrie.

Page 40

1 and Ms. Scott at the time because the agreement was  
2 already made.

3 Q Okay. So to the extent that your attorneys,  
4 your previous attorneys told the Court that the  
5 reason the chimps were transferred was because you  
6 wanted to relieve PETA and Ms. Scott of their  
7 concerns, that is not what you understood to be the  
8 case?

9 A I didn't even consider PETA and Ms. Scott at  
10 the time.

11 Q Before agreeing to transfer the first group  
12 of chimpanzees -- Kirby, KK and Casey -- in December  
13 of 2016, did you visit the facility?

14 A No.

15 Q Before agreeing to transfer Cooper and Coby,  
16 did you visit the facility to see how Kirby, KK and  
17 Casey were housed -- Daisy were housed?

18 A No, I did not visit the facility.

19 Q Did you ever determine how many animals are  
20 at the DeYoung Zoo altogether?

21 A I didn't ask about their other animals, no.

22 Q Did you ask about how many staff members  
23 would be caring for the chimpanzees?

24 A No, I did not.

25 Q Did you ask about the level of experience

Page 39

1 Q And when did you have that discussion?

2 A It was either -- at some point in our  
3 conversation but probably late 2015, early 2016.

4 Q And after you sent the chimpanzees, did you  
5 have discussions to find out whether in fact they  
6 were receiving the type of enrichment that was  
7 discussed?

8 A Yes.

9 Q With who did you have this discussion?

10 A Carrie.

11 Q When did you have that discussion with her?

12 A I don't know dates but various different  
13 times when I would call and check on them or ask how  
14 they were doing.

15 Q So you discussed enrichment at that time?

16 A Yes.

17 Q What, if any, investigation did you conduct  
18 into the conditions in which the chimpanzees would  
19 be held before you agreed to have them transferred  
20 to DeYoung Zoo?

21 A There again, probably in 2015 and early  
22 2016.

23 Q Right. What investigation did you conduct  
24 into the conditions themselves in which the  
25 chimpanzees would be held?

Page 41

1 A Well, they came down and looked at my  
2 facility, my cages, my transfer chutes, how I did  
3 other things and were building theirs so it would be  
4 very similar to mine so when the chimps were moved,  
5 it would be less stress for the animals because it  
6 would be like what they were used to.  
7 Q Have you seen photographs of the completed  
8 facility?  
9 A I have.  
10 Q Who showed you those photographs?  
11 A Carrie.  
12 Q Did she give you those photographs?  
13 A No.  
14 Q Did she mail them to you?  
15 A No; she showed them to me on her phone.  
16 Q She showed you photographs on the phone?  
17 A On her -- yeah, on her phone.  
18 Q Do you recall at some point Mr. Reeg  
19 requested to withdraw from representing you and MPF  
20 and others in this lawsuit?  
21 A Yes.  
22 Q And who was the person or persons who  
23 decided that MPF would not hire any attorney to  
24 defend the claims against MPF after Mr. Reeg  
25 withdrew from the case?

Page 42

1 compound, but she wants to know donors for services,  
2 goods and funds, so you might want to take that one  
3 at a time.  
4 A Tonia Haddix, Lisa Harned, Penny Healzer,  
5 Byron Healzer, Kevin Harned. There was an auction  
6 put up to help with the chimps and attorney fees,  
7 and then probably there was a few like donation  
8 jars.  
9 Q (By Ms. Bernstein) Do you have any records  
10 to keep track of donations?  
11 A Where some have come into the bank account  
12 and otherwise just what was in the donation jars.  
13 There hasn't been very much donations.  
14 Q The bank account, is that in your personal  
15 name, or did MPF have an account?  
16 A Yes.  
17 Q MPF had an account?  
18 A Yes.  
19 Q Was that account closed or is it still open?  
20 A It's still open.  
21 Q Is it still receiving donations?  
22 A I guess if anything comes in, it would be.  
23 There's very little donations come in.  
24 Q But the account has not been closed for MPF?  
25 A No.

Page 44

1 A I think at that time MPF was no longer in  
2 existence. The corporation was already dissolved.  
3 Q Right, and who made the decision that the  
4 dissolved corporation would not be represented by an  
5 attorney?  
6 A Probably me, I guess. I'm not sure that it  
7 came right out as a decision.  
8 Q Well, you made a decision to find an  
9 attorney to represent you; is that right?  
10 A Yes.  
11 Q Why did you not also find attorneys to  
12 represent MPF?  
13 A I guess because it was dissolved.  
14 Q Does MPF currently carry on any activities?  
15 A No.  
16 Q Can you identify all persons or entities who  
17 have in the past three years donated funds or other  
18 goods or services for the upkeep of the primates at  
19 your facility?  
20 MS. CHAMPION: Did you say goods or funds?  
21 Q (By Ms. Bernstein) Goods or -- funds or  
22 other goods or services for the upkeep of the  
23 primates at your facility, all donors during the  
24 past three years.  
25 MS. CHAMPION: I'm going to object as

Page 43

1 Q Do you recall the last time donations came  
2 in to the MPF account?  
3 A I would have to look it up. Probably within  
4 the last month.  
5 Q And who made the donation to the MPF  
6 account?  
7 A It would have been from an auction that was  
8 put up online to try to raise money to help with  
9 attorney fees.  
10 Q Well, currently MPF doesn't have an  
11 attorney; right?  
12 A Well, when I referred to MPF, I guess I  
13 refer to the caring for the chimpanzees or the  
14 attorney for them, so I guess not.  
15 Q Who decides what to do with the money that  
16 gets deposited into the MPF account?  
17 A I would.  
18 Q You don't ask the board?  
19 A As far as I know right now there is no  
20 board; correct?  
21 Q I'm asking you.  
22 A No, I guess the answer is not. I guess the  
23 answer is no.  
24 Q So you're the person who decides what to do  
25 with the money that is donated to MPF?

Page 45

12 (Pages 42 - 45)

<p>1 A Yes, ma'am.</p> <p>2 Q And has that always been the case?</p> <p>3 A Yes, ma'am. I can tell you right now the</p> <p>4 money that goes in there goes strictly for those</p> <p>5 chimpanzees.</p> <p>6 Q Well, are there any records of that?</p> <p>7 A I guess my checkbook account.</p> <p>8 Q Currently who pays for the legal expenses to</p> <p>9 represent you in this lawsuit?</p> <p>10 A It comes from various -- if I can get</p> <p>11 donations from an auction that people put up to</p> <p>12 help, it comes from there.</p> <p>13 Q Are those donated to MPF, the nonprofit, and</p> <p>14 go into MPF's account?</p> <p>15 A No. They're donated to Connie Casey, and I</p> <p>16 have funneled them right into the Missouri Primate</p> <p>17 Foundation account.</p> <p>18 Q Who donated over the past three months or</p> <p>19 where did the money come from that you paid your</p> <p>20 current attorneys?</p> <p>21 MS. CHAMPION: Compound. You can answer</p> <p>22 whichever of those questions you want to answer.</p> <p>23 A It's just various people; plus, I had some</p> <p>24 of my other exotics.</p> <p>25 Q (By Ms. Bernstein) Right, the various</p>	<p>1 account, and you know -- you know that I have the</p> <p>2 auction account.</p> <p>3 Q You have an auction account?</p> <p>4 A That was set up by friends. It wasn't set</p> <p>5 up by me.</p> <p>6 Q Who set it up?</p> <p>7 A I can't remember her name right now. A</p> <p>8 friend that's got monkeys.</p> <p>9 Q But there are records that would show?</p> <p>10 A Yes.</p> <p>11 Q Okay. Who else has given you money to pay</p> <p>12 for your lawyers?</p> <p>13 A I've got money out of a donation jar. I</p> <p>14 have no idea who put money in there.</p> <p>15 Q Who else?</p> <p>16 A That's it. That's all I can remember.</p> <p>17 Q Have you recently paid legal fees?</p> <p>18 MS. CHAMPION: I'm going to object as --</p> <p>19 what relevance does that have? I want to hear from</p> <p>20 you how you think that's a proper question.</p> <p>21 MS. BERNSTEIN: Well, the payment of legal</p> <p>22 fees is going to be an issue, and the finances of</p> <p>23 the person who will be asked to pay legal fees --</p> <p>24 MS. CHAMPION: Have we asked you for legal</p> <p>25 fees to be paid to her?</p>
<p style="text-align: right;">Page 46</p> <p>1 people, can you identify who gave you money to pay</p> <p>2 for your attorneys?</p> <p>3 A No.</p> <p>4 Q I'm sorry?</p> <p>5 A I --</p> <p>6 Q Who are the people who gave you money to pay</p> <p>7 for your attorneys?</p> <p>8 A Various people.</p> <p>9 Q Yes. Please tell me their names.</p> <p>10 A I don't know all their names.</p> <p>11 Q Tell me the people who you recall.</p> <p>12 A Tonia Haddix has been beneficial for helping</p> <p>13 with attorney fees.</p> <p>14 Q Who else?</p> <p>15 A The people -- I don't know. There's various</p> <p>16 people that's donated money and bought auction items</p> <p>17 to put into the account. I don't know those -- you</p> <p>18 have the records. I seen it on your things. I</p> <p>19 don't know. I don't have my paperwork.</p> <p>20 Q What records do you have that shows who pays</p> <p>21 for your legal fees?</p> <p>22 A What records?</p> <p>23 Q Yes, if you wanted to look up to refresh</p> <p>24 your recollection.</p> <p>25 A Okay, you know that I have a Go Fund Me</p>	<p style="text-align: right;">Page 48</p> <p>1 MS. BERNSTEIN: No.</p> <p>2 MS. CHAMPION: Then I don't think it's</p> <p>3 relevant, and I'm going to object and instruct you</p> <p>4 not to answer. I also think it's attorney-client</p> <p>5 privileged, and I also think you know it's an</p> <p>6 absolutely improper question, but that we can take</p> <p>7 up later. But at any rate, I'm advising her not to</p> <p>8 answer.</p> <p>9 Q (By Ms. Bernstein) You will not tell me when</p> <p>10 you last paid a legal fee?</p> <p>11 A When I last paid a legal fee?</p> <p>12 Q Yes.</p> <p>13 A I don't remember. I'll have to look it up</p> <p>14 in my checkbook.</p> <p>15 Q It was paid from your checking account?</p> <p>16 A From Missouri Primate checking account.</p> <p>17 Q From the MPF account? How much money is</p> <p>18 currently in the MPF account?</p> <p>19 A Less than \$400.</p> <p>20 Q Do you expect any money to come in to</p> <p>21 replenish that account?</p> <p>22 A I hope so.</p> <p>23 Q Are you currently asking or soliciting</p> <p>24 donations for that account?</p> <p>25 A I have friends that's asking.</p>

13 (Pages 46 - 49)

<p>1 Q Who are those friends?</p> <p>2 MS. CHAMPION: She's asking whether you are</p> <p>3 soliciting money for the MPF account specifically.</p> <p>4 A No.</p> <p>5 Q (By Ms. Bernstein) You're not? Do you know,</p> <p>6 can you identify all sources of income that you</p> <p>7 received during the past three years?</p> <p>8 A No.</p> <p>9 Q Where did the money come from that you</p> <p>10 spent?</p> <p>11 MS. CHAMPION: She's asking about your</p> <p>12 income.</p> <p>13 A My income?</p> <p>14 Q (By Ms. Bernstein) Your sources of income</p> <p>15 during the past three years?</p> <p>16 A Social Security.</p> <p>17 Q And how much is that?</p> <p>18 A I'm thinking it's \$1,250 a month.</p> <p>19 Q And in addition or other than \$1,250 a</p> <p>20 month, do you have any other sources of income from</p> <p>21 the past three years?</p> <p>22 A Like a permanent source? Because I sold a</p> <p>23 vehicle. I sold a couple collectible chimp things,</p> <p>24 figurines.</p> <p>25 Q Did you file individual tax returns for the</p>	<p>1 payments or gas, utilities, insurance, you know,</p> <p>2 things that you would have to have regardless of</p> <p>3 whether you had primates. How much of your income</p> <p>4 pays for those things?</p> <p>5 A For my private expenses, I live very frugal,</p> <p>6 so I would say I spent less than \$200 a month on</p> <p>7 myself.</p> <p>8 Q Do you pay your property taxes?</p> <p>9 A Yes, I do.</p> <p>10 Q How much is that?</p> <p>11 A I'll have to look it up.</p> <p>12 Q You don't know how much you have to pay?</p> <p>13 MS. CHAMPION: Give her an estimate. She</p> <p>14 lives in California. She has no idea what it is</p> <p>15 here.</p> <p>16 MS. BERNSTEIN: I'm sorry, just --</p> <p>17 MS. CHAMPION: Give her your best estimate.</p> <p>18 A My property tax is probably 2000.</p> <p>19 Q (By Ms. Bernstein) How about insurance, how</p> <p>20 much does that cost, you know, for homeowner's</p> <p>21 insurance?</p> <p>22 A I have to figure it up. 500.</p> <p>23 MS. CHAMPION: A year?</p> <p>24 THE WITNESS: Uh-huh.</p> <p>25 Q (By Ms. Bernstein) How about car insurance?</p>
<p style="text-align: right;">Page 50</p> <p>1 past three years?</p> <p>2 A For the last two years I have not.</p> <p>3 Q Why not?</p> <p>4 A I just haven't got around to it.</p> <p>5 Q Three years ago you did file?</p> <p>6 A Uh-huh.</p> <p>7 Q Yes?</p> <p>8 A Yes.</p> <p>9 Q And you declared all your sources of income?</p> <p>10 A Yes.</p> <p>11 Q Presently how much money -- how much monthly</p> <p>12 income do you receive from all sources?</p> <p>13 A I don't know.</p> <p>14 Q You don't know how much money you</p> <p>15 received --</p> <p>16 A No, ma'am, I don't.</p> <p>17 Q Is it more than \$1,300 a month or less?</p> <p>18 A It's probably less than 15.</p> <p>19 Q Less than \$1,500 a month?</p> <p>20 A Uh-huh.</p> <p>21 Q Yes?</p> <p>22 A Yes, ma'am.</p> <p>23 Q And how much of this monthly income pays for</p> <p>24 expenses that are unrelated to the upkeep of the</p> <p>25 primates at the facility? That would be car</p>	<p style="text-align: right;">Page 52</p> <p>1 A The auto insurance runs about 900 a year.</p> <p>2 Q What kind of car do you have?</p> <p>3 A It's -- I don't know what that's got</p> <p>4 anything to do with the chimps.</p> <p>5 Q What kind of car do you drive?</p> <p>6 MS. CHAMPION: She only has seven hours.</p> <p>7 Let her waste her time. She's got seven hours and</p> <p>8 then we're stopping, so let her ask --</p> <p>9 A I see. It's a 2007 Dodge Caravan.</p> <p>10 Q (By Ms. Bernstein) And if the car were to</p> <p>11 break down, where would the money come from to buy</p> <p>12 another car? Do you have any emergency fund, cash</p> <p>13 on hand?</p> <p>14 A No, but I have a friend that works on my</p> <p>15 vehicle.</p> <p>16 Q If you had to have a roof repaired for your</p> <p>17 facility and it would cost \$2000, do you have money,</p> <p>18 like emergency cash on hand to cover that?</p> <p>19 A I would have people that would help me.</p> <p>20 Q Who are the people who would help you?</p> <p>21 A Friends.</p> <p>22 Q Who are the people who would pay for the</p> <p>23 roof?</p> <p>24 A Depending on how much it cost, it might come</p> <p>25 from various places.</p>

Page 51

Page 53

14 (Pages 50 - 53)

1 Q Can you identify those people who would pay  
 2 for it if you needed to have a new roof put on or  
 3 repair of a roof?  
 4 A Well, Byron Healzer is a very good carpenter  
 5 and has built houses and stuff in the past. He  
 6 would help.  
 7 Q So -- but you currently don't have any cash  
 8 reserves to pay for that?  
 9 A No.  
 10 Q Do you have any outstanding debts, including  
 11 tax liens or credit card debts?  
 12 A You're very well aware of that.  
 13 Q So you have tax liens currently outstanding?  
 14 A You know that.  
 15 Q What is the amount?  
 16 A I don't -- right now I don't know offhand.  
 17 I haven't looked at the paper.  
 18 Q Do you have credit card debt?  
 19 A I have, yeah, credit card.  
 20 Q What is the amount of your credit card debt  
 21 currently?  
 22 A Currently, it's probably 10,000.  
 23 Q Assuming one of your chimpanzees needed a  
 24 medical procedure done next week that cost \$2000,  
 25 how would you pay for it?

Page 54

1 you have a \$10,000 credit card debt?  
 2 A Yes.  
 3 Q What's the limit on that card?  
 4 A I am not sure. I would have to look it up.  
 5 Q Who is Dr. Jones?  
 6 A Dr. Jones is a veterinarian in Festus.  
 7 Q Do you have any relation --  
 8 client-veterinarian relationship with Dr. Jones?  
 9 A Yes.  
 10 Q And for how long have you had a  
 11 client-veterinarian relationship with Dr. Jones?  
 12 A Years.  
 13 Q Do you know approximately how much it would  
 14 cost for Dr. Jones to treat a serious illness or  
 15 injury of one of your chimpanzees?  
 16 A I do not. There again, Dr. Jones has been  
 17 very generous in helping with the chimps.  
 18 Q He's sent you bills in the past, hasn't he?  
 19 A Yes, he has.  
 20 Q He does not donate his services, does he?  
 21 A A lot of it he does.  
 22 Q He does not donate all of his services, does  
 23 he?  
 24 A Not all.  
 25 Q So is it fair to say that currently you

Page 56

1 A Actually, Dr. Doug has been very generous to  
 2 donate his services.  
 3 Q If Dr. Doug wouldn't be donating his  
 4 services, how would you pay for a medical procedure  
 5 costing \$2000 for your chimpanzees?  
 6 A I would probably solicit funds to help.  
 7 Q Who would you solicit funds from?  
 8 A Friends from the monkey community.  
 9 Q You don't have money to pay for any  
 10 procedures that the --  
 11 A Depends on how much it would be.  
 12 Q I have to finish my question. You wouldn't  
 13 have the money to pay for a procedure that cost  
 14 \$2000 for your chimpanzees?  
 15 A I would probably have to put it on my credit  
 16 card.  
 17 Q The one that's currently \$10,000 in arrears?  
 18 A Now, you're saying arrears. How do you know  
 19 it's in arrears?  
 20 Q The debt. You said you have \$10,000 debt on  
 21 your credit card.  
 22 A That's what --  
 23 MS. CHAMPION: Arrears means something  
 24 different than debt.  
 25 Q (By Ms. Bernstein) So that's the card where

Page 55

1 don't have any money set aside to pay, actually pay  
 2 for any costly veterinary care and treatment for any  
 3 of the chimpanzees?  
 4 A No, other than being able to put it on my  
 5 credit card and seek other help, I don't have money  
 6 put aside.  
 7 Q Is it fair to say, Ms. Casey, that in light  
 8 of your current financial situation, you cannot  
 9 ensure that you presently have sufficient funds to  
 10 provide the chimpanzees with adequate veterinary  
 11 care?  
 12 MS. CHAMPION: I'm going to object as lack  
 13 of foundation. You can go ahead and answer. Also  
 14 calling for speculation. You can answer.  
 15 A Okay, repeat the question.  
 16 Q (By Ms. Bernstein) Is it fair to say,  
 17 Ms. Casey, that in light of your current financial  
 18 situation, you cannot ensure that you presently have  
 19 sufficient funds to provide the chimpanzees with  
 20 adequate veterinary care?  
 21 MS. CHAMPION: Same objection.  
 22 A As far as sufficient funds, I can put it on  
 23 my credit card.  
 24 Q (By Ms. Bernstein) You don't know what your  
 25 credit limit is?

Page 57

<p>1 MS. CHAMPION: I'm going to object as 2 argumentative. That's not a question. 3 MS. BERNSTEIN: No, that is a question. 4 A I'm not going to answer that. 5 Q (By Ms. Bernstein) So you think you will be 6 able to put it on your credit card, but you don't 7 know whether your credit card would be maxed out? 8 A I'm not going to answer that. 9 Q You have to answer. 10 A I'm sorry, I'm not going to. I know I 11 have -- I'll just tell you I know there's more than 12 \$2000 extra on my credit card. 13 Q Okay. But would you generally agree that if 14 somebody lacks funds to provide adequate veterinary 15 care that that could cause harm to an animal? 16 MS. CHAMPION: I object as calling for 17 speculation; lack of foundation. You can answer if 18 you know, and also, there's not enough facts in 19 evidence for her to be able to draw any sort of 20 conclusion from that, but you can answer the 21 question. 22 A I don't know. 23 Q (By Ms. Bernstein) If you are unable to pay 24 for necessary veterinary treatment, do you think it 25 could result in the death of the chimpanzees?</p>	Page 58	Page 60
<p>1 MS. CHAMPION: I object as calling for 2 speculation; lack of foundation. Also, lack of 3 foundation based on the testimony that's been given 4 in that there's no evidence to support the 5 assumption that she's unable to pay for proper 6 veterinary care or arrange for proper veterinary 7 care. You can answer the question. 8 A In my case there's no -- there's no evidence 9 that there's been any lack of veterinary care. Now, 10 what are you giving me that look for? 11 Q (By Ms. Bernstein) I'm sorry, did you finish 12 your answer? 13 A No, but I'm asking you -- 14 Q Please finish your answer. 15 A Is cancer a preventive, preventable? 16 Q No, you're the one who answers the 17 questions. You're not the one to ask the questions. 18 A Okay. And you can give me hate looks, but 19 I'm not supposed to look back at you with a hate 20 look? 21 Q I don't know what you're referring to. 22 A That's because you're not looking. I should 23 have a mirror up here so you can see the daggers. 24 Q Are you done with your answer? 25 A No. I forgot your question. I apologize.</p>	<p>1 care? 2 MS. CHAMPION: Same objection. 3 A No. 4 MS. CHAMPION: Also asked and answered, 5 previously answered with, "I did not discuss this 6 with Dr. Pernikoff." Now you've reasked the exact 7 same question. You may answer it again. 8 A I have not discussed that with 9 Dr. Pernikoff, and I don't think that's his 10 statement. 11 Q (By Ms. Bernstein) Well, you wouldn't know 12 what he said, right, because you didn't read his 13 transcript? 14 A Correct. 15 Q Didn't you, in fact, yourself conclude at 16 some point that it would be in the best interest of 17 your chimpanzees to be relocated to an accredited 18 sanctuary? 19 A No. 20 Q According to Dr. Pernikoff, none of the 21 chimpanzees at your facility presently receive any 22 type of preventive veterinary care. Is that 23 consistent with your understanding as well? 24 A No. 25 Q According to Dr. Pernikoff, none of the</p>	Page 59

<p>1 chimpanzees at your facility received preventive 2 care in the past. Is that consistent with your 3 understanding as well?</p> <p>4 A No.</p> <p>5 MS. CHAMPION: I object as a 6 mischaracterization of his testimony. You can 7 answer. I'm sorry. Let her answer because I was 8 objecting. Go ahead.</p> <p>9 MS. BERNSTEIN: She said no. It's on the 10 record.</p> <p>11 MS. CHAMPION: I don't know that.</p> <p>12 MS. BERNSTEIN: It is on the record.</p> <p>13 MS. CHAMPION: I'm going to make her 14 reanswer the question, so she could have caught it 15 on the record, but she might not have. I was 16 talking over her, so can you please reassert your 17 answer. What was the answer you gave?</p> <p>18 A No.</p> <p>19 Q (By Ms. Bernstein) Who has in the past in 20 your belief provided preventive veterinary care to 21 the chimpanzees? And I'm just talking about 22 preventive veterinary care.</p> <p>23 A Who has in the past?</p> <p>24 Q Provided in your view preventive veterinary 25 care to the chimpanzees at your facility?</p>	<p>1 chart is generally accurate in terms of who died 2 when and what the names and species and approximate 3 dates of death is or whether they were chimpanzees 4 or other primates?</p> <p>5 A Yes, this looks pretty accurate.</p> <p>6 Q Thank you. So all of these primates died -- 7 A -- chimp.</p> <p>8 Q We left that blank for Angel. Was that a 9 chimpanzee?</p> <p>10 A Yes.</p> <p>11 Q Because there was some inconsistent evidence 12 on that. So Angel is a chimpanzee. Did we get all 13 the names right? Sometimes it was difficult to make 14 out the names. Did we get the names right?</p> <p>15 A Yes.</p> <p>16 Q So all of these primates died over the 17 course of approximately nine years?</p> <p>18 A Yes, I guess. I probably need to go back 19 over my books at home, but this looks pretty 20 accurate.</p> <p>21 MS. CHAMPION: I count this is over ten 22 years, a period of over ten years, if your dates of 23 death are correct.</p> <p>24 MS. BERNSTEIN: My apologies then.</p> <p>25 Q (By Ms. Bernstein) So is it fair to say then</p>
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Page 62

Page 64

<p>1 A Me.</p> <p>2 Q You did? Other than you, who provided 3 preventive veterinary care to the chimpanzees at 4 your facility?</p> <p>5 A Probably nobody.</p> <p>6 Q Do you have a license to practice veterinary 7 medicine?</p> <p>8 A No, I do not.</p> <p>9 Q The preventive veterinary care that you 10 claim to have provided, can you describe what that 11 consists of or consisted of?</p> <p>12 A Vitamins, healthy diet, parasite control, 13 and just basically daily observation. If there was 14 a sneeze or a cough, I would give them cold 15 medicine.</p> <p>16 (Deposition Exhibit 3 17 marked for identification.)</p> <p>18 Q Ms. Casey, if you would please have a look 19 at a chart that we prepared that's been marked as 20 Casey Exhibit 3. This is a chart listing names, 21 species and dates of death of the primates at the 22 facility, and I represent to you that this 23 information was taken as a summary from the records 24 that you provided in this case.</p> <p>25 Can you take a look and confirm that this</p>	<p>1 none of these chimpanzees who died or the surviving 2 primates that are presently at the facility were 3 provided with any type of preventive veterinarian 4 care from a licensed veterinarian? I'm just talking 5 about preventive veterinary care.</p> <p>6 A Not other than the normal preventive care 7 that we talked about earlier.</p> <p>8 Q Right, that you provided. My question is 9 none of them received any preventive veterinary care 10 from a licensed veterinarian?</p> <p>11 A Oh, that's not true.</p> <p>12 Q Did any of these --</p> <p>13 A Okay, maybe I'm misunderstanding. When you 14 say preventative care, does that mean if they were 15 sick, they didn't get like amoxicillin or 16 antibiotics? Is that what you're saying?</p> <p>17 Q No, preventive is what you do to prevent 18 them from getting sick in the first place.</p> <p>19 A Well --</p> <p>20 Q Preventive veterinary care is my question. 21 None of them received any preventive veterinary care 22 from a licensed veterinarian; is that correct?</p> <p>23 A No, probably not.</p> <p>24 Q None of them received any vaccines; correct?</p> <p>25 A Most primates do not get vaccines.</p>
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Page 63

Page 65

17 (Pages 62 - 65)

<p>1 Q None of these chimpanzees who died or that 2 are presently at the facility received any vaccines; 3 is that correct?</p> <p>4 MS. CHAMPION: Why don't you take them one 5 at a time because there may be different answers to 6 some of them. Do you know?</p> <p>7 A No, other than like at different times 8 they've had TB tests.</p> <p>9 Q (By Ms. Bernstein) I'm not talking about 10 tests. I'm talking about vaccines for the flus, 11 tetanus, rabies, polio, measles or any other type of 12 diseases that can be prevented by giving a vaccine. 13 Do you understand that?</p> <p>14 A I understand. Primates normally do not get 15 preventative vaccines.</p> <p>16 Q Well, I'm not asking you what is normal. I 17 am asking you whether any of the primates at your 18 facility ever got any vaccines, and I think --</p> <p>19 A Probably not.</p> <p>20 Q Probably not; you're not sure?</p> <p>21 A No, I'm not sure.</p> <p>22 Q Did any of these chimpanzees on the list of 23 Exhibit 3 ever receive any annual wellness checkups?</p> <p>24 A Yes.</p> <p>25 Q Who gave them annual wellness checkups?</p>	<p>1 it off for lab work. There's different times that 2 we pull stool and he's checked it, but I don't have 3 those records.</p> <p>4 Q So you wouldn't know?</p> <p>5 A For a hundred percent, no, I don't know.</p> <p>6 Q Did any of the chimpanzees test positive or 7 negative for primate viruses --</p> <p>8 A No.</p> <p>9 Q -- when they were tested?</p> <p>10 A No.</p> <p>11 Q You don't know that either?</p> <p>12 A I don't think so.</p> <p>13 Q But you don't know? You're just 14 speculating?</p> <p>15 A To my best knowledge, I do not know.</p> <p>16 Q Right. Any of the chimpanzees on this 17 exhibit or the primates who died, were they ever 18 routinely tested for intestinal bacterial infections 19 or parasites?</p> <p>20 A Only if they showed any signs of distress or 21 not feeling well.</p> <p>22 Q Have you ever had any stool cultures 23 submitted for testing --</p> <p>24 A Yes.</p> <p>25 Q -- of any of your -- which of the</p>
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Page 66

Page 68

<p>1 A Okay, Dr. Doug Pernikoff would have.</p> <p>2 Q He would have. Did he?</p> <p>3 A When he come to do the inspection, he would 4 visual the animals.</p> <p>5 Q He did not do an annual checkup; isn't that 6 right?</p> <p>7 A Are you talking -- Are you talking about 8 knocking a chimp down and doing a complete physical?</p> <p>9 Q Yes.</p> <p>10 A No.</p> <p>11 Q He did not?</p> <p>12 A Not unless there was a reason.</p> <p>13 Q Have any of the chimpanzees who are 14 currently at the facility or who are on this list, 15 were any of them tested for antibodies to primate 16 viruses? And I'm excluding the ones that you 17 shipped out to the zoo. The ones that died and the 18 ones that are presently at the facility, were any of 19 them tested for antibodies to primate viruses?</p> <p>20 A Yes.</p> <p>21 Q Which ones were tested for antibodies to 22 primate viruses?</p> <p>23 A You know what? You probably need to talk to 24 Doug because I know at different times when he's 25 treated the animals that he's pulled blood and sends</p>	<p>1 chimpanzees have been tested that are on this list 2 or that were -- that are presently at the facility?</p> <p>3 A Gosh, because some of them go back a long 4 time. Kelly, Angel, Yogi.</p> <p>5 Q And do you recall what the results were for 6 intestinal bacterial infections or parasites?</p> <p>7 A No.</p> <p>8 MS. CHAMPION: Were you finished?</p> <p>9 A I was still looking at the list.</p> <p>10 MS. CHAMPION: And also your current ones.</p> <p>11 Q (By Ms. Bernstein) I'm talking about those 12 where you submitted a stool culture to test for 13 intestinal bacterial infections or parasites, and 14 you said you submitted stool cultures to test for 15 Kelly, Angel and Yogi. Anyone else?</p> <p>16 A Kimmy, Tammy.</p> <p>17 Q Do you have those results?</p> <p>18 A No.</p> <p>19 MS. CHAMPION: Are you finished with the 20 answer yet?</p> <p>21 THE WITNESS: Yes.</p> <p>22 Q (By Ms. Bernstein) You don't have those 23 results?</p> <p>24 A No.</p> <p>25 Q Do you know what the results showed?</p>
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Page 67

Page 69

<p>1 A They were clear of parasites.</p> <p>2 Q And how do you know that?</p> <p>3 A Because that's the ones I had taken in</p> <p>4 because Dr. Jones did some.</p> <p>5 Q Dr. Jones did those?</p> <p>6 A Some of them.</p> <p>7 Q Did he charge you for that?</p> <p>8 A I know he charged -- I think he charged on</p> <p>9 Tammy and Kimmy.</p> <p>10 Q So you got a bill for Tammy and Kimmy? Is</p> <p>11 that recent?</p> <p>12 A Yeah.</p> <p>13 Q That was not donated; right?</p> <p>14 A No, but it was minimal charge.</p> <p>15 Q It was not donated is the question?</p> <p>16 A No.</p> <p>17 Q Have any of your chimpanzees ever received</p> <p>18 dental exams or dental cleaning, like routine?</p> <p>19 MS. CHAMPION: I object as compound but you</p> <p>20 can answer.</p> <p>21 A Not by a veterinarian.</p> <p>22 Q (By Ms. Bernstein) Do you know are you</p> <p>23 experienced or do you have any expertise in body</p> <p>24 condition scoring?</p> <p>25 A Body condition what?</p>	<p>1 have been prevented if they had received basic</p> <p>2 preventive veterinary care?</p> <p>3 A How do you prevent --</p> <p>4 MS. CHAMPION: Her question was just did you</p> <p>5 try to find it out from somebody?</p> <p>6 A No.</p> <p>7 Q (By Ms. Bernstein) You did not?</p> <p>8 A No. I don't know how you prevent cancer.</p> <p>9 Q Do you agree with Dr. Pernikoff's assessment</p> <p>10 that it does not meet the generally accepted</p> <p>11 standards to not provide preventive veterinary care</p> <p>12 for captive primates?</p> <p>13 MS. CHAMPION: I'm going to object as lack</p> <p>14 of foundation. Also, mischaracterization of the</p> <p>15 testimony. You can answer. Her question is do you</p> <p>16 agree with his statement that she just represented</p> <p>17 to you?</p> <p>18 Q (By Ms. Bernstein) Do you agree with</p> <p>19 Dr. Pernikoff's assessment that it does not meet</p> <p>20 generally accepted standards to not provide</p> <p>21 preventive veterinary care for captive primates?</p> <p>22 A That is Dr. Doug's statement?</p> <p>23 Q Yes. Do you agree with him?</p> <p>24 A Okay, tell me what you said his statement</p> <p>25 is.</p>
<p>Page 70</p> <p>1 Q Body condition scoring?</p> <p>2 A Scoring?</p> <p>3 Q Yes.</p> <p>4 A I guess it depends on what you call scoring</p> <p>5 because I'm not familiar with -- I don't know what</p> <p>6 you're talking about.</p> <p>7 Q So if I were to ask you what the body</p> <p>8 condition score is for the chimpanzees at the</p> <p>9 facility, you wouldn't be able to tell me?</p> <p>10 A What is your -- what's the definition of</p> <p>11 scoring?</p> <p>12 Q They're assigned a number that will either</p> <p>13 identify them as obese, overweight, underweight,</p> <p>14 normal weight.</p> <p>15 A You know what? I think that is probably</p> <p>16 individualized. I don't think you can take a score</p> <p>17 and say everybody should look like you or everybody</p> <p>18 should look like me. Everybody is individual. It's</p> <p>19 what's appropriate and normal for the particular</p> <p>20 animal.</p> <p>21 Q Okay. So as far as you know, nobody has</p> <p>22 done body condition scoring of any of the animals?</p> <p>23 A No.</p> <p>24 Q Did you ever try to find out whether the</p> <p>25 deaths of any of the primates on Exhibit 3 could</p>	<p>Page 72</p> <p>1 Q The verbatim testimony was to Dr. Pernikoff:</p> <p>2 "Q. Would you agree it does not meet the</p> <p>3 generally accepted standards to not provide</p> <p>4 preventive veterinary care for captive chimpanzees?</p> <p>5 A. I agree."</p> <p>6 That is his testimony, and my question is do</p> <p>7 you agree with Dr. Pernikoff that it does not meet</p> <p>8 the generally accepted standards?</p> <p>9 A I don't agree with that. I think very few</p> <p>10 sanctuaries provide preventative care.</p> <p>11 Q But isn't it a fact, Ms. Casey, that</p> <p>12 Dr. Pernikoff specifically advised you in the past</p> <p>13 that you should establish some type of preventive</p> <p>14 program at your facility?</p> <p>15 A I don't recall.</p> <p>16 Q Would it certainly be true that if he had</p> <p>17 said that, you certainly did not take him up on that</p> <p>18 advice?</p> <p>19 A I don't recall.</p> <p>20 Q Well, to this day you presently do not</p> <p>21 provide any type of preventive program of veterinary</p> <p>22 care by a licensed veterinarian for the chimpanzees</p> <p>23 at your facility; correct?</p> <p>24 MS. CHAMPION: I'm going to object to the</p> <p>25 form of the question in that it changes the premise</p>

Page 71

Page 73

19 (Pages 70 - 73)

1 of the prior question and the testimony of  
2 Dr. Pernikoff in that initially the question was  
3 asked whether there was a program of preventative  
4 care, and this question changes to program of  
5 preventative veterinary care.

6 So I would also object to the form of the  
7 question in that it omits the deponent's prior  
8 testimony regarding the program of preventative care  
9 she has. If you understand the question, you can  
10 answer it. I think this question is limited to  
11 veterinary care, preventive veterinary care.

12 Q (By Ms. Bernstein) Yes. To this day is it  
13 true you do not provide any type of preventive  
14 program of veterinary care by a licensed  
15 veterinarian for the chimpanzees at your facility?

16 MS. CHAMPION: That I'm going to object as  
17 asked and answered as well. You can answer again.  
18 A I follow my preventative care that Dr. Doug  
19 has advised.

20 Q (By Ms. Bernstein) Are you saying  
21 Dr. Pernikoff has advised a program of preventive  
22 veterinary care for all of the chimpanzees at the  
23 facility?

24 A Okay.

25 Q We're just talking about preventive

1 A Yes.  
2 Q Well, we have not received it.  
3 A No, you have.  
4 MS. BERNSTEIN: Let me mark this as the next  
5 exhibit in order.

6 (Deposition Exhibit 4  
7 marked for identification.)

8 Q Ms. Casey, I'm handing you what's been  
9 marked as Casey Exhibit 4 titled Program of  
10 Veterinary Care for Research Facilities of  
11 Exhibitors/Dealers.

12 Is that the program of veterinary care that  
13 you were referring to --

14 A Yes.

15 Q -- that you follow?

16 A Yes.

17 Q On the bottom of the first page under the  
18 box D, which states, Signature of veterinarian, that  
19 was supposedly signed March 27, '08, do you see  
20 that?

21 A Yes.

22 Q Dr. Pernikoff said that is not his  
23 signature. Are you testifying that you actually  
24 asked Dr. Pernikoff to sign this program of  
25 veterinary care?

Page 74

Page 76

1 veterinary care for all the chimpanzees. Has he  
2 advised a program that you are currently following  
3 for preventive veterinary care?

4 A Are you calling parasite control, deworming  
5 veterinary -- preventative veterinary care?

6 Q Yes, that's included.

7 A Okay, then I follow that.

8 Q So he has established such a program for  
9 you?

10 A Yes. It's on my program of veterinary care  
11 record.

12 Q And he's the one that you claim has --

13 A He has not done it. I have followed that.

14 Q Right. That's the one with a fake signature  
15 on it? Is that the one you're talking about?

16 A I don't know if it's fake or not.

17 Q Well, you certainly have not asked  
18 Dr. Pernikoff to sign any such program; right?

19 A Dr. Pernikoff signs the program of  
20 veterinary care every time he comes for the routine  
21 inspection.

22 Q Are you saying that you have in your  
23 possession a written program of veterinary care  
24 signed by Dr. Pernikoff that you asked him to sign  
25 that he signed?

Page 75

1 A Yes. I think this was actually originally  
2 faxed and sent back, and if this is not his  
3 signature, I have not been aware that this has not  
4 been his signature.

5 Q You think it was faxed? This does not show  
6 that it was faxed. This does not indicate any fax  
7 form on the top or the bottom.

8 A But -- okay, if you can see, evidently  
9 something has been cut off at the top here.

10 Q Well, it would be good if we would receive  
11 conforming copies, if you claim this was faxed, if  
12 the signature page you claim was faxed, that we  
13 would get a document that shows it was faxed. So in  
14 2008 you claim that Dr. Pernikoff signed this?

15 A Yes. If he didn't, I was not aware that he  
16 did not sign it. Also, I have to tell you that  
17 on -- right here, this blank here, at one time it  
18 was not caught early that that was not filled in.  
19 You can see it's not filled in here. It was called  
20 to the attention of my USDA, and they told me the  
21 next time Doug come down that he needed to fill this  
22 in. There you can see where he filled this in and  
23 that is his -- he initialed it.

24 Q Right, he initialed only that. He did not  
25 initial anything else, did he?

Page 77

20 (Pages 74 - 77)

<p>1 A No, because that was the only part that 2 wasn't filled in.</p> <p>3 Q And he didn't fill in anything else?</p> <p>4 A No.</p> <p>5 Q Right. He didn't write anything other 6 than --</p> <p>7 A No.</p> <p>8 Q I'm sorry. Other than what has Bates number 9 Casey 00377, Methods of euthanasia, that he 10 initialed but nothing else.</p> <p>11 A Right, because that was the only part that 12 was not filled in.</p> <p>13 Q Right. Who filled in the rest?</p> <p>14 A I did.</p> <p>15 Q You filled in the rest?</p> <p>16 A I did.</p> <p>17 Q And Dr. Pernikoff did not initial any of the 18 rest?</p> <p>19 A No, because it was filled in before. This 20 was the part that was left blank.</p> <p>21 Q When you found out that Dr. Pernikoff -- 22 when did you find out that Dr. Pernikoff did not put 23 his actual signature, that this was somebody else's 24 signature?</p> <p>25 A I had no idea that that was not Dr. Doug's</p>	<p>1 A That's correct, because you don't have to 2 unless you change veterinarians.</p> <p>3 Q Is that your understanding?</p> <p>4 A Yes, it is.</p> <p>5 Q Well, we'll get to that in a little bit.</p> <p>6 MS. CHAMPION: Let's take a little break.</p> <p>7 MS. BERNSTEIN: Sure, why don't we.</p> <p>8 MS. CHAMPION: We were about 45 minutes 9 after I think we were going to.</p> <p>10 THE VIDEOGRAPHER: We're going off the 11 record. This concludes media unit number one. The 12 time is 10:52.</p> <p>13 (Recess)</p> <p>14 THE VIDEOGRAPHER: We're going back on the 15 record. This is media unit number two. The time is 16 11:05.</p> <p>17 Q (By Ms. Bernstein) Welcome back. Ms. Casey, 18 I remind you that you're still under oath.</p> <p>19 A Uh-huh.</p> <p>20 Q Do you know how much it would cost to do 21 fecal testing for all the chimpanzees that are 22 currently at the facility?</p> <p>23 A No.</p> <p>24 Q At his deposition I asked Dr. Pernikoff the 25 following question, and he gave the following</p>
<p style="text-align: right;">Page 78</p> <p>1 until it was told to me after the -- his deposition.</p> <p>2 Q Right. You've spoken with Dr. Pernikoff 3 since then, have you?</p> <p>4 A I have.</p> <p>5 Q In fact, he's been to your facility?</p> <p>6 A Yes.</p> <p>7 Q Have you asked him to sign an actual program 8 of veterinary care?</p> <p>9 A Since then?</p> <p>10 Q Yes. Since you knew that this was not his 11 signature?</p> <p>12 A No.</p> <p>13 Q You have not asked him?</p> <p>14 A No, I have not.</p> <p>15 Q To this day you do not have a program of 16 veterinary care signed by Dr. Pernikoff?</p> <p>17 MS. CHAMPION: I object as calling for 18 speculation. She testified as far as she knows it 19 was signed by Pernikoff.</p> <p>20 Q (By Ms. Bernstein) You don't need to --</p> <p>21 A I -- if this is not Dr. Doug's signature, I 22 had no idea that it was not until recently.</p> <p>23 Q Right. And after you found out, you did not 24 ask Dr. Pernikoff to provide you an actual program 25 of veterinary care signed by him; isn't that right?</p>	<p style="text-align: right;">Page 80</p> <p>1 answer.</p> <p>2 "Q. So you have advised Ms. Casey not to 3 vaccinate?</p> <p>4 "A. No. In fact, I have told her in the 5 past that we should try to establish some funding to 6 do regular annual exams on everybody."</p> <p>7 Do you recall having that discussion with 8 Dr. Pernikoff in which he told you that you should 9 get funding to do regular exams on all the primates 10 at the facility?</p> <p>11 A No, I do not.</p> <p>12 Q Would it be correct to say that the only 13 times that the primates at the facility -- that the 14 only times the primates at the facility were ever 15 examined by a vet was when they were already dead or 16 sick?</p> <p>17 A Physical exam?</p> <p>18 Q Yes.</p> <p>19 A Okay, other than a visual?</p> <p>20 Q Right.</p> <p>21 A Yes.</p> <p>22 Q Do you agree that the failure to vaccinate 23 chimpanzees for preventable diseases can expose them 24 to risk of injury or sickness?</p> <p>25 A I don't agree with that.</p>

Page 79

Page 81

21 (Pages 78 - 81)

<p>1 Q You don't believe that vaccinating 2 chimpanzees for preventable diseases could prevent 3 them from possibly getting sick from such diseases?</p> <p>4 MS. CHAMPION: Objection. Asked and 5 answered. You can answer. Just ignore me unless I 6 tell you not to answer.</p> <p>7 A Repeat it, please.</p> <p>8 Q (By Ms. Bernstein) You don't believe that 9 vaccinating chimpanzees for preventable diseases 10 could prevent them from possibly getting sick from 11 such diseases?</p> <p>12 MS. CHAMPION: Same objection. Asked and 13 answered.</p> <p>14 A Maybe wild population. My animals are all 15 in a controlled environment, so I don't see where 16 that would be beneficial.</p> <p>17 Q (By Ms. Bernstein) Do any of the people who 18 set foot on the facility, were any of them 19 vaccinated against measles?</p> <p>20 A I'm sure they were. I have not asked, no.</p> <p>21 Q Oh, so you don't control to find out whether 22 the people who step foot in the facility actually 23 might be at risk of transmitting certain diseases 24 that chimpanzees can get?</p> <p>25 A First off, there's very few people there,</p>	<p>1 is that it's inconsistent with what the doctor had 2 said.</p> <p>3 A I don't know how to answer that. I'm not a 4 doctor.</p> <p>5 Q (By Ms. Bernstein) Right. You would not 6 know whether there's any risks for cardiac disease 7 associated if a chimpanzee is obese?</p> <p>8 MS. CHAMPION: Same objection.</p> <p>9 A I know there's lots of thin people that have 10 heart attacks as much as fat people, so I don't 11 know.</p> <p>12 Q (By Ms. Bernstein) You just don't know. Did 13 you ask Dr. Pernikoff?</p> <p>14 A That specifically, no.</p> <p>15 Q Do you agree that Candy --</p> <p>16 MS. CHAMPION: Sorry.</p> <p>17 A I'm sorry. Pardon?</p> <p>18 Q (By Ms. Bernstein) Do you agree that Candy 19 is not -- does not have normal body weight for her 20 age and condition?</p> <p>21 A She's a pretty big-boned girl. She's 22 pretty -- she's pretty big.</p> <p>23 Q Well, is it the bones that are big, or does 24 she have excessive body fat on her?</p> <p>25 A She's just built big.</p>
<p style="text-align: right;">Page 82</p> <p>1 so -- and anybody that's been there has been told if 2 they feel sick or think they're getting a cold or 3 flu not to come. I don't know if that's answering 4 the question or not.</p> <p>5 Q So you don't control to find out whether the 6 people who step foot in the facility actually might 7 be at risk of transmitting certain diseases that 8 chimpanzees can get?</p> <p>9 A No.</p> <p>10 Q At his deposition Dr. Pernikoff testified 11 that you presently have a female chimpanzee at your 12 facility who is overweight, but he could not 13 identify her by name. Do you know whom he might be 14 referring to?</p> <p>15 A Probably Candy. Candy is pretty big girl.</p> <p>16 Q Do you agree that for adult chimpanzees 17 obesity is a substantial risk factor for cardiac 18 disease?</p> <p>19 A It's probably a risk for everybody.</p> <p>20 Q So if Candy is obese, she would be at a 21 substantial risk for cardiac disease; do you agree 22 with that?</p> <p>23 MS. CHAMPION: I'm going to object as 24 calling for speculation; lack of foundation. Also, 25 I'm going to object to the characterization of obese</p>	<p style="text-align: right;">Page 84</p> <p>1 Q Is it the bones that are big, or does she 2 have excessive body fat on her?</p> <p>3 A She's probably overweight.</p> <p>4 Q When you say "probably overweight," did you 5 try to find out whether she is in fact overweight?</p> <p>6 A No, not any more than I've tried to find out 7 the fact that I'm overweight.</p> <p>8 Q To date you have not asked any veterinarian 9 to actually look into what is causing Candy to be 10 overweight?</p> <p>11 A No. She eats healthy. She doesn't eat 12 junk.</p> <p>13 Q You have not asked a veterinarian to find 14 out what is causing Candy to be overweight, have 15 you?</p> <p>16 A No.</p> <p>17 Q So presently it cannot be ruled out that 18 Candy is suffering from a treatable disease that is 19 not being treated because no diagnosis has been 20 requested or made?</p> <p>21 MS. CHAMPION: I'm going to object as 22 calling for speculation, but you can answer.</p> <p>23 A I don't know.</p> <p>24 Q (By Ms. Bernstein) Do you have any plans for 25 getting Candy examined and diagnosed in the future?</p>

Page 83

Page 85

22 (Pages 82 - 85)

<p>1 A Yes, in the future.</p> <p>2 Q And when will that be?</p> <p>3 A I don't know. When we can get funding available and -- that's what I would say. I find it risky to put a chimp down for no reason.</p> <p>6 Q Do you have any plans for the chimpanzees to get annual checkups in the future?</p> <p>8 A Maybe in the future.</p> <p>9 Q And why do you say maybe? You're not sure? What would it depend on?</p> <p>11 A Funding.</p> <p>12 Q So if you don't get funding, the chimpanzees will not get any annual exams in the future?</p> <p>14 A I'm not going to say that.</p> <p>15 Q Currently they're not getting annual exams; right?</p> <p>17 A Currently they're not down for annual physical exams.</p> <p>19 Q And you don't presently have any plans for them to get annual physical exams in the future; is that right?</p> <p>22 A Not presently.</p> <p>23 Q At his deposition I also asked Dr. Pernikoff the following questions and he provided the following answer:</p>	<p>1 should have in order to protect their health and welfare?</p> <p>3 MS. CHAMPION: Foundation. Objection. You can answer.</p> <p>5 A I'm not sure.</p> <p>6 Q (By Ms. Bernstein) At his deposition I also asked Dr. Pernikoff the following question, and he gave the following answer:</p> <p>9 "Q. I think you did agree that Ms. Casey did not provide adequate veterinary care for these chimpanzees in the past?"</p> <p>12 "A. Yes, based on our discussion."</p> <p>13 Ms. Casey, are you concerned that in Dr. Pernikoff's view you did not provide adequate veterinary care for your chimpanzees in the past?</p> <p>16 MS. CHAMPION: I'm going to object to the question in that it's vague in that it's asking my client for her concern, and it's unclear as to whether or not the concern is if the question is directed to Dr. Pernikoff or the animals.</p> <p>21 You can answer the question if you can.</p> <p>22 A Okay, will you repeat it, please?</p> <p>23 Q (By Ms. Bernstein) Are you concerned, Ms. Casey, that in Dr. Pernikoff's view, you did not provide adequate veterinary care for your</p>
<p>Page 86</p> <p>1 "Q. Well, you advised Ms. Casey that the animals should have, shall we say, additional veterinary care to protect their health and welfare; is that right?</p> <p>5 "A. Yes.</p> <p>6 "Q. And she did not take your advice?</p> <p>7 "A. Yeah."</p> <p>8 My question to you is why did you not take Dr. Pernikoff's advice to provide the animals with additional veterinary care that he recommended they should have in order to protect their health and welfare?</p> <p>13 MS. CHAMPION: I'm going to object to the form of the question. Before the question began, the precatory language of the question includes an improper question and a misrepresentation of the doctor's testimony.</p> <p>18 After the question or the basic question, which began with "Why" has already been asked and answered and also was answered by this witness as she didn't remember the admonishment. You can answer.</p> <p>23 Q (By Ms. Bernstein) Why did you not take Dr. Pernikoff's advice to provide the animals with additional veterinary care that he recommended they</p>	<p>Page 88</p> <p>1 chimpanzees in the past?</p> <p>2 MS. CHAMPION: Same objection.</p> <p>3 A I would -- yeah, I'm concerned.</p> <p>4 Q (By Ms. Bernstein) Do you take any responsibility for failing to provide adequate veterinary care in the past?</p> <p>7 A No.</p> <p>8 Q Do you agree with Dr. Pernikoff's conclusion at his deposition that your present standard of care for the chimpanzees falls below acceptable standards for somebody to hold chimpanzees in captivity?</p> <p>12 MS. CHAMPION: We have already covered this. I'm going to object as asked and answered. You can answer.</p> <p>15 A I don't agree with that.</p> <p>16 Q (By Ms. Bernstein) Have any of the chimpanzees at your facility been conditioned to feeding from a spoon?</p> <p>19 A Yes.</p> <p>20 Q Have any of the chimpanzees in your facility been conditioned to drinking from a cup?</p> <p>22 A Yes.</p> <p>23 Q Are any of the chimpanzees at your facility presently on any medication?</p> <p>25 A No. Vitamins; that's it.</p>

23 (Pages 86 - 89)

<p>1 Q And how are the vitamins administered?</p> <p>2 A Gummy, like little gummy bears.</p> <p>3 Q In the past have you administered medication</p> <p>4 to any of the primates at the facility?</p> <p>5 A Yes.</p> <p>6 Q Has anyone else administered medication to</p> <p>7 any of the primates at the facility?</p> <p>8 A Yes, possibly -- probably.</p> <p>9 Q You're not sure about that?</p> <p>10 A Yes, I would say yes.</p> <p>11 Q Do you know if any of the volunteers who you</p> <p>12 identified are trained in administering medication?</p> <p>13 A Yes.</p> <p>14 Q Who is that? Who has been trained to</p> <p>15 administer medications?</p> <p>16 A My daughter Lisa, Tonia.</p> <p>17 Q Who trained them?</p> <p>18 A I did.</p> <p>19 Q Where do you keep medications and drugs for</p> <p>20 the chimpanzees?</p> <p>21 A In a cabinet.</p> <p>22 Q Where?</p> <p>23 A On the ground level and sometimes in the</p> <p>24 refrigerator.</p> <p>25 Q On the ground level where? Where at the</p>	<p>1 Q You don't obtain medication for the</p> <p>2 chimpanzees from any other source if it's</p> <p>3 prescription drugs that are not prescribed by a</p> <p>4 veterinarian for that particular animal?</p> <p>5 A No.</p> <p>6 Q Do you know what ketamine is, K-E-T-A-M --</p> <p>7 A Ketamine?</p> <p>8 Q Yes, ketamine.</p> <p>9 A Yes.</p> <p>10 Q What is it?</p> <p>11 A It's a tranquilizer drug.</p> <p>12 Q And you have that at your house?</p> <p>13 A Not currently.</p> <p>14 Q In the past you had it at your house?</p> <p>15 A Yes.</p> <p>16 Q And you administered ketamine?</p> <p>17 A In the past.</p> <p>18 Q And what were the circumstances?</p> <p>19 A At one point I had a capuchin that had an</p> <p>20 injured foot and we had to bandage it daily, and he</p> <p>21 would have to be slightly sedated in order to get</p> <p>22 him out and to change the bandage.</p> <p>23 Q What was the name of that capuchin?</p> <p>24 A Gosh, Rascal.</p> <p>25 Q Now, when you sedated Rascal, was a</p>
<p style="text-align: right;">Page 90</p> <p>1 facility do you keep the medication for -- or drugs</p> <p>2 for the chimpanzees?</p> <p>3 A Okay, I thought I just said that. On the</p> <p>4 ground level.</p> <p>5 MS. CHAMPION: I think she means where in</p> <p>6 the home.</p> <p>7 Q (By Ms. Bernstein) Right. If we go to</p> <p>8 inspect, where would we look for where you keep the</p> <p>9 medications?</p> <p>10 A In the refrigerator.</p> <p>11 Q Where the food is kept?</p> <p>12 A There is some food in there.</p> <p>13 Q So the refrigerator where the food is kept</p> <p>14 also stores the medications?</p> <p>15 A If there's -- if I have medication</p> <p>16 available. A lot of times I don't have extra</p> <p>17 medication. If somebody is sick, I get a</p> <p>18 prescription or cold medicine.</p> <p>19 Q Are you saying that the only medications</p> <p>20 that you keep are prescriptions that you received</p> <p>21 from the vets for the particular animals and</p> <p>22 over-the-counter medication?</p> <p>23 A Uh-huh.</p> <p>24 Q Yes?</p> <p>25 A Yes.</p>	<p style="text-align: right;">Page 92</p> <p>1 veterinarian present?</p> <p>2 A No.</p> <p>3 Q How did you obtain the ketamine?</p> <p>4 A There's a little bit that Doug had given me.</p> <p>5 Q For which animal?</p> <p>6 A Rascal.</p> <p>7 Q Dr. Pernikoff gave you -- gave you ketamine</p> <p>8 to give to Rascal?</p> <p>9 A Just a small vial in case we couldn't get</p> <p>10 him out to be treated. You just put a little drop</p> <p>11 on a piece of bread to relax him enough to where you</p> <p>12 can treat his foot. That's probably been ten years</p> <p>13 ago.</p> <p>14 Q And that's the only time that you</p> <p>15 administered ketamine that you recall?</p> <p>16 A Yes.</p> <p>17 Q Are you currently under the care of any</p> <p>18 physician for any medical conditions?</p> <p>19 A Yes.</p> <p>20 Q Can you tell me what those conditions are?</p> <p>21 A I have high blood pressure.</p> <p>22 Q Anything else?</p> <p>23 A No.</p> <p>24 Q Are you currently on any medication?</p> <p>25 A I'm on high blood pressure medicine.</p>

Page 91

Page 93

24 (Pages 90 - 93)

<p>1 Q Can you tell me what medicine that is and 2 what the doses is?</p> <p>3 A Lisinopril, and I don't know what the dose 4 is.</p> <p>5 Q Have you been tested for diabetes?</p> <p>6 A Yes.</p> <p>7 Q And what were the results?</p> <p>8 A None. I didn't know I needed to bring my 9 health records up here.</p> <p>10 Q I think you previously said you work from 11 7:30 a.m. until 9 p.m. daily with restroom breaks 12 and snack breaks. Did I remember that correctly?</p> <p>13 A Yeah, pretty much, yeah.</p> <p>14 Q If you need to have a procedure done, let's 15 say for a medical condition, and you could not get 16 out of bed for a month, who would replace you?</p> <p>17 A Probably my -- the volunteers.</p> <p>18 Q Who would replace you from 7:30 a.m. until 19 9 p.m. daily if you could not be there?</p> <p>20 A It would be broke down between the 21 volunteers.</p> <p>22 Q Can you give me names of who would be there 23 from 7:30 a.m. until 9 p.m. every day if you could 24 not be there?</p> <p>25 A Lisa, Debbie, Tonia or Byron and Penny.</p>	Page 94	<p>1 A That's pretty serious if you can't get out 2 of bed for a month.</p> <p>3 Q In the past have you gotten a cold or flu?</p> <p>4 A Yes.</p> <p>5 Q And what happens when you get the cold or 6 the flu?</p> <p>7 A You take medication and you get up and do 8 what you've got to do. If you need to lay down for 9 a few minutes, you go do that and get back up and do 10 your job.</p> <p>11 Q You mean while you have the cold or the flu 12 you still continue working at the facility?</p> <p>13 A Yes.</p> <p>14 Q You handle the food of the animals and you 15 handle the cleaning?</p> <p>16 A Yes.</p> <p>17 Q And you handle the animals?</p> <p>18 A Yes.</p> <p>19 Q While you have the cold or the flu?</p> <p>20 A Same as I would do if I had a baby, a human 21 child to take care of.</p> <p>22 Q And your chimpanzees have not been 23 vaccinated against the cold or the flu?</p> <p>24 A No.</p> <p>25 Q So they could catch it from you?</p>	Page 96
<p>1 Q Which of these people have daytime jobs 2 currently?</p> <p>3 A Lisa works part time.</p> <p>4 Q Right. The others don't work? They don't 5 have any responsibilities all day? They could just 6 come and take over?</p> <p>7 A I'm sure they have responsibilities, but if 8 a situation arised, I'm sure they would juggle it 9 out where they would be there to help.</p> <p>10 Q Have you ever discussed with them if they 11 would be available to replace you if you could not 12 get out of bed --</p> <p>13 A Yes.</p> <p>14 Q I have to finish my question. Have you ever 15 discussed with them whether they would be available 16 to work at the facility to replace you if you could 17 not get out of bed for a month?</p> <p>18 A Yes.</p> <p>19 Q With whom did you discuss --</p> <p>20 A Actually, I probably didn't say, If I 21 couldn't get out of bed for a month, would you be 22 here every day, but if something happened that I was 23 sick or couldn't do it, would they be available, and 24 the answer is yes.</p> <p>25 Q Okay.</p>	Page 95	<p>1 A Possibility.</p> <p>2 Q They could get pneumonia?</p> <p>3 A Anybody can get pneumonia.</p> <p>4 Q Right, and they could die from the 5 pneumonia?</p> <p>6 A Anybody can.</p> <p>7 Q Right. You don't take any precautions that 8 would prevent them from getting the flu because you 9 don't stay away from them while you have the flu; is 10 that right?</p> <p>11 A I didn't say I had the flu.</p> <p>12 Q No, in the past when you had the flu, you 13 continued working?</p> <p>14 A Yes.</p> <p>15 Q Do you require flu shots for Lisa, Debbie, 16 Tonia, Byron or Penny?</p> <p>17 A Yes.</p> <p>18 Q They get flu shots?</p> <p>19 A Yes.</p> <p>20 Q And what are their instructions if they get 21 the flu?</p> <p>22 A I said that earlier. They're instructed if 23 they're sick not to come in or not to be around the 24 chimps.</p> <p>25 Q Do you agree that if they came in and be</p>	Page 97

25 (Pages 94 - 97)

1 around the chimpanzees while they had the flu that  
2 that could expose the chimpanzees to risk of harm?  
3 A Sure. Same as going to Wal-Mart.  
4 Q Earlier this year you visited two accredited  
5 primate sanctuaries with Dr. Pernikoff; yes?  
6 A Yes.  
7 Q When was that?  
8 A I think it was in April.  
9 Q April of 2018?  
10 A Yes.  
11 Q And which sanctuaries did you visit?  
12 A I went to Save the Chimps and the Center of  
13 Great Apes.  
14 Q And why did you decide to visit these two  
15 particular sanctuaries?  
16 A Well, to see what it was like down there,  
17 how the chimps were cared for and just to kind of  
18 view the situation.  
19 Q And why did you decide to go at that  
20 particular time?  
21 A Dr. Doug was going to be down there and  
22 wanted to know if I would want to join them to go  
23 check the places out.  
24 Q So Dr. Pernikoff asked you to come along, or  
25 did you ask Dr. Pernikoff to come along with you?

Page 98

1 Q Right. And did he express his view that he  
2 believes these chimpanzees at your facility would be  
3 better off at one of the sanctuaries that you  
4 visited with him?  
5 A No.  
6 Q He did not say that?  
7 A No, he did not. He's never said that to me.  
8 Q According to Dr. Pernikoff, if the  
9 chimpanzees are not transferred to one of the  
10 accredited sanctuaries of the type that you visited  
11 with him, it is possible that it could cause harm to  
12 the chimpanzees in the future. Have you discussed  
13 that concern about possible harm to the chimpanzees  
14 with Dr. Pernikoff?  
15 A No, I don't -- I don't understand that  
16 statement at all.  
17 Q Did Dr. Pernikoff tell you that because of  
18 your limited resources and age there could be some  
19 potential risk that the chimpanzees could be injured  
20 if they remain at your facility in the future?  
21 A No. I don't understand how they could be  
22 injured.  
23 Q Or that some harm could come to them?  
24 A No. No.  
25 Q Never had any such discussions where

Page 100

1 A He mentioned that he was going to be in  
2 Florida and wanted to know if I would want to come  
3 down and tour the places with him and his wife.  
4 Q Dr. Pernikoff testified that he advised you  
5 that because you have no plans as to who will care  
6 for your chimpanzees in the future that it would be  
7 in the chimpanzees' best interest to have them  
8 placed in an accredited sanctuary. Do you recall  
9 that this is what Dr. Pernikoff advised you?  
10 A No.  
11 Q Are you aware that Dr. Pernikoff believes  
12 that it would be in the best -- that it would be  
13 best for the chimpanzees to go to one of the types  
14 of sanctuaries that you visited with him?  
15 A No.  
16 Q Are you aware that Dr. Pernikoff has raised  
17 concerns that you may not be able to provide  
18 adequate care for the chimpanzees at the facility?  
19 A No.  
20 Q Have you ever discussed these matters at all  
21 with Dr. Pernikoff?  
22 A Yes.  
23 Q And what did he advise you?  
24 A He didn't advise me anything. We just had a  
25 discussion.

Page 99

1 Dr. Pernikoff expressed that view to you?  
2 A Not that I recall.  
3 Q You say not that you recall. Is it possible  
4 that you don't remember because you don't want to  
5 remember?  
6 MS. CHAMPION: I'm going to object as  
7 argumentative. You can answer.  
8 A I don't recall.  
9 Q (By Ms. Bernstein) Do you generally have  
10 trouble with your memory?  
11 A No.  
12 Q Do you recall at some point in time you  
13 informed Dr. Pernikoff that you decided to give the  
14 chimpanzees to PETA for them to be transferred to an  
15 accredited sanctuary?  
16 A No.  
17 Q You never told that to Dr. Pernikoff?  
18 A I don't recall telling that to  
19 Dr. Pernikoff.  
20 Q Do you remember Dr. Pernikoff came to your  
21 previous attorney's office where you went to sign  
22 some papers?  
23 A I recall going to the attorneys.  
24 MS. CHAMPION: Come in.  
25 (Discussion off the record.)

Page 101

26 (Pages 98 - 101)

1 A I didn't go there to sign papers. When I  
 2 got there, he had papers drawn up to sign.  
 3 Q (By Ms. Bernstein) Okay. What was the  
 4 reason Dr. Pernikoff was there?  
 5 A Dr. Pernikoff was a friend, and I had asked  
 6 him to go along.  
 7 Q And what did you tell him why you wanted him  
 8 to come along?  
 9 A I don't think we really talked about it.  
 10 Dr. Doug knows that I love these animals.  
 11 Q So is it your -- you didn't tell  
 12 Dr. Pernikoff in connection with that visit that you  
 13 had made up your mind to give the chimpanzees to  
 14 PETA for them to be transferred to a sanctuary?  
 15 A I don't think I did. I -- I don't know.  
 16 Q Go ahead.  
 17 A I've never wanted these chimps to be placed  
 18 in the hands of PETA or any other sanctuary where  
 19 there's hundreds where they don't get specialized  
 20 treatment and attention.  
 21 Q Did you discuss that with Dr. Pernikoff?  
 22 A Yes.  
 23 Q And what did he say?  
 24 A I'm not -- I don't remember what his -- I  
 25 don't remember what his response or action was.

Page 102

1 Q Does the picture look familiar?  
 2 A Yeah.  
 3 Q Is that a photograph that is currently in  
 4 your possession?  
 5 A In my hands right now?  
 6 Q No. Do you have that photograph? Is that  
 7 one of the photographs that you own?  
 8 A No.  
 9 Q Do you know how the press got ahold of this  
 10 photograph?  
 11 A Probably it was an old picture that they had  
 12 because over the years they've done some stories.  
 13 Q But you did not provide any pictures for --  
 14 A No.  
 15 Q -- them to do this story?  
 16 A No, I did not.  
 17 Q Were you aware that your attorneys were  
 18 talking to the press about your proposal to appoint  
 19 a special master to find the most appropriate  
 20 accredited wildlife sanctuary for the chimps?  
 21 MS. CHAMPION: I'm going to object as lack  
 22 of foundation regarding the attorneys talking to the  
 23 Post-Dispatch in that that's not what the article  
 24 says, and the article quotes a statement that was in  
 25 the lawsuit, but you can answer.

Page 104

1 Q Do you recall Dr. Pernikoff expressed to you  
 2 his opinion that this would be in the best interest  
 3 of the chimpanzees if they would go to one of the  
 4 accredited sanctuaries?  
 5 A No.  
 6 MS. CHAMPION: Object as asked and answered.  
 7 Q (By Ms. Bernstein) Do you recall that you  
 8 actually proposed the appointment of a special  
 9 master or guardian to find the most appropriate  
 10 accredited wildlife sanctuary for the chimps? Do  
 11 you recall at some point proposing that?  
 12 A No.  
 13 Q You don't?  
 14 A No, I do not.  
 15 MS. BERNSTEIN: Let's mark this as the next  
 16 exhibit in order, please.  
 17 (Deposition Exhibit 5  
 18 marked for identification.)  
 19 Q (By Ms. Bernstein) Ms. Casey, I'm handing  
 20 you what's been marked as Exhibit 5. It's a  
 21 printout from an article titled "Primate facility  
 22 near Festus offers to give up chimps to settle PETA  
 23 lawsuit over conditions." Have you ever seen this  
 24 article before?  
 25 A No.

Page 103

1 Q (By Ms. Bernstein) Were you aware that your  
 2 attorneys were talking to the press either in  
 3 writing or by phone about your proposal to appoint a  
 4 special master to find the most appropriate  
 5 accredited wildlife sanctuary for the chimps?  
 6 MS. CHAMPION: Same objection; foundation.  
 7 You can just ignore me and answer.  
 8 A I was aware that the press contacted the  
 9 attorney.  
 10 Q (By Ms. Bernstein) Okay.  
 11 A So I'm -- I'm assuming PETA contacted the  
 12 press and then the press contacted the attorney to  
 13 get some kind of a response.  
 14 Q That's your assumption; you don't really  
 15 know?  
 16 A Correct.  
 17 Q Do you know whether your attorneys provided  
 18 some type of statement about your position to the  
 19 press?  
 20 A Yes, I think they did.  
 21 Q And what do you know about that statement?  
 22 A I know they made a statement and it was  
 23 edited.  
 24 Q It was edited by who?  
 25 A Evidently the paper.

Page 105

27 (Pages 102 - 105)

<p>1 Q Did you see the statement? Were you asked 2 to review the statement before it was provided to 3 the press?</p> <p>4 A Yes.</p> <p>5 Q You approved the statement that was provided 6 to the press?</p> <p>7 A I think I did.</p> <p>8 Q Do you have a copy of this?</p> <p>9 A Do I have a copy?</p> <p>10 Q Of the statement?</p> <p>11 A I don't know if I do or not.</p> <p>12 Q Did the attorney send you a copy of the 13 statement before they --</p> <p>14 A I think he sent me a text.</p> <p>15 Q And that attached a statement?</p> <p>16 A Yes.</p> <p>17 Q Do you still have that text?</p> <p>18 A I haven't looked.</p> <p>19 Q Oh, you haven't looked?</p> <p>20 A I haven't looked -- no, I have not looked 21 for that statement. I will.</p> <p>22 Q Is there a reason we were not provided with 23 a copy of that statement?</p> <p>24 A I don't know.</p> <p>25 Q Was there anything in the statement that you</p>	<p>1 A They refused the offer.</p> <p>2 Q How do you know that?</p> <p>3 A That was what I was told by the attorney.</p> <p>4 Q Did you make a counteroffer?</p> <p>5 A Yes, I think.</p> <p>6 Q And what was the offer?</p> <p>7 A I don't remember.</p> <p>8 Q Let's go back to the chart. Do you still 9 have the chart of the primates who died at your 10 facility over the past ten years? It was marked as 11 Exhibit 3.</p> <p>12 A Yes.</p> <p>13 Q Ella, the chimpanzee, died in 2009?</p> <p>14 A Uh-huh.</p> <p>15 Q Yes?</p> <p>16 A I'll have --</p> <p>17 MS. CHAMPION: When she says "yes," she's 18 trying to get you to answer out loud because we know 19 what you mean with "uh-huh," but she can't write 20 that down.</p> <p>21 Q (By Ms. Bernstein) Was that a yes?</p> <p>22 A That was a yes.</p> <p>23 Q And before she died, didn't Ella have a 24 history of seizures?</p> <p>25 A No, she did not.</p>
Page 106	Page 108

<p>1 disagreed with?</p> <p>2 MS. CHAMPION: I object as calling for 3 speculation; lack of foundation. You can answer.</p> <p>4 Q (By Ms. Bernstein) I'm just asking about the 5 statement, not about the article. Was there 6 anything in the statement when you were asked to 7 review it that you disagreed with?</p> <p>8 A No.</p> <p>9 Q In the statement were you quoted as saying 10 that you hoped PETA would cooperate to find the 11 chimps a new home?</p> <p>12 A I don't recall that being in the statement, 13 but I will look and see if I can find it.</p> <p>14 Q Did you ever cooperate with PETA to find the 15 chimps a new home?</p> <p>16 A Did I ever cooperate?</p> <p>17 Q Cooperate with PETA to find the chimps a new 18 home?</p> <p>19 A I don't know. I guess.</p> <p>20 Q You guess? You're not sure?</p> <p>21 A I think at one time because of pressure I 22 was at the point where I was going to buckle, then 23 offered the chimps, but that wasn't good enough 24 evidently.</p> <p>25 Q What do you mean?</p>	<p>1 Q She did not? When is the first time that 2 Ella had seizures?</p> <p>3 A Ella had a baby, and she started seizing 4 shortly after the baby was born.</p> <p>5 Q And how soon did you seek treatment for 6 those seizures?</p> <p>7 A Immediately.</p> <p>8 Q When you sought treatment, did you take her 9 to a vet, or did a vet come to the facility?</p> <p>10 A A vet came to the facility.</p> <p>11 Q And was that the first time that Ella was 12 ever examined by a vet?</p> <p>13 A That was probably the first time she was 14 examined at my facility. She came from another 15 facility before that.</p> <p>16 Q Okay, fair enough. But the first time 17 that -- after Ella came to your facility, the first 18 time any veterinarian examined her was also the day 19 she died?</p> <p>20 A No.</p> <p>21 Q Didn't the veterinarian that you called to 22 check on Ella euthanize her on the same day he came 23 to the facility?</p> <p>24 A It was the following day.</p> <p>25 Q So he came the day before and then</p>
Page 107	Page 109

1 euthanized her the following day?  
 2 A Because we put her on medication for the  
 3 seizures to see if it would get any better, to try  
 4 to get her better, and when the medication wasn't  
 5 working, the decision was made to go ahead and put  
 6 her down.  
 7 Q Who was the vet?  
 8 A Actually Dr. Jones who treated her, and I'm  
 9 not sure -- I'm thinking Dr. Jones -- Dr. Doug was  
 10 out of town.  
 11 Q Did you ever try to find out whether Ella's  
 12 condition could have been cured or mitigated if it  
 13 had been diagnosed and treated earlier?  
 14 A No. It --  
 15 Q Did you ever try to find out --  
 16 MS. CHAMPION: Did you finish that answer?  
 17 A Well, I'm not a veterinarian, and I don't  
 18 remember the exact medical term, but something  
 19 happened in the delivery where evidently there was  
 20 some kind of an air pocket or something that messed  
 21 up and done the seizures.  
 22 Q (By Ms. Bernstein) Where did she deliver her  
 23 baby?  
 24 A It probably would have been the day before.  
 25 Q Where did she deliver it?

Page 110

1 Q How do you know it was a very isolated  
 2 thing?  
 3 A Is seizures contagious?  
 4 Q I'm not asking about seizures being  
 5 contagious. I'm saying how do you know it was very  
 6 isolated?  
 7 A All I know is Dr. Jones was there. He also  
 8 contacted OB/GYN, talked to them in detail, and  
 9 you'll have to ask him the rest of the thing  
 10 because ...  
 11 Q So you did not ask any of the vets whether  
 12 other primates at the facility could be at risk of  
 13 dying from the same condition that killed Ella?  
 14 A No, I did not.  
 15 Q The year after Ella died the chimpanzee  
 16 Sheena had to be euthanized; is that right?  
 17 A Right now I can't even recall.  
 18 Q Is it fair to say you never sought any  
 19 veterinary care or treatment for Sheena until her  
 20 prognosis was too grave to save her?  
 21 MS. CHAMPION: I object. Calling for  
 22 speculation since she's indicated she doesn't  
 23 recall.  
 24 A I don't recall.  
 25 Q (By Ms. Bernstein) Do you recall that the

Page 112

1 A Where? At my facility.  
 2 Q Was a veterinarian present?  
 3 A No.  
 4 Q Why was no veterinarian called?  
 5 A With animals it's not like a person where  
 6 you say, okay, this is your due date. If you don't  
 7 know when they're pregnant and you don't know when  
 8 they're having the baby, she -- she had the baby  
 9 during the night.  
 10 Q Did you know she was pregnant?  
 11 A I knew she was pregnant.  
 12 Q Did you ever -- why did you not call for any  
 13 vet to examine her while she was pregnant to make  
 14 sure that everything was okay?  
 15 A I'm not sure how to answer that. It's not  
 16 like a -- it's not like these are animals that you  
 17 can go in like a woman and do a physical thing, and  
 18 it's risky. Any time you put an animal down or  
 19 tranquilize them you have a risk, and as long as  
 20 there didn't seem any problem with the pregnancy,  
 21 there was no reason to have a veterinarian there.  
 22 Q Did you try to find out whether other  
 23 primates at the facility could be at risk of dying  
 24 from the same condition that killed Ella?  
 25 A No. That was a very isolated thing.

Page 111

1 first time any veterinarian examined Sheena was also  
 2 the day she died?  
 3 A I don't recall.  
 4 Q Do you know if she was euthanized at the  
 5 facility or at a vet office?  
 6 A I don't recall.  
 7 Q Is it fair to say that sitting here today  
 8 you don't know if Sheena's condition could have been  
 9 cured or mitigated if it had been diagnosed or  
 10 treated earlier?  
 11 A I don't know.  
 12 Q Is it fair to say sitting here today you  
 13 don't know whether other primates at the facility  
 14 were or currently are at risk of dying from the same  
 15 condition that killed Sheena?  
 16 A I'm a hundred percent sure that all the  
 17 chimps would not be at risk.  
 18 Q And why are you a hundred percent sure that  
 19 all of the chimpanzees would not be at risk of dying  
 20 from the same condition that killed Sheena?  
 21 A Well, because as I recall, this was a  
 22 female, like an OB/GYN-type thing, which wouldn't  
 23 happen with a male.  
 24 Q All right. And what happened? What's the  
 25 OB/GYN thing that killed Sheena?

Page 113

<p>1 A I'll have to pull my records at home. I 2 don't remember.</p> <p>3 Q Do you know who treated her?</p> <p>4 A I'm assuming it would have been Dr. Doug. I 5 would have to pull records. I don't recall.</p> <p>6 Q You have no recollection?</p> <p>7 A I don't recall.</p> <p>8 Q Do you know who Sheena was housed with at 9 the time?</p> <p>10 A I don't recall because they were housed in 11 groups, and I move the chimps around.</p> <p>12 Q The year after Sheena died the chimpanzee 13 Kitzel died? Is that how you pronounce her name?</p> <p>14 A Yes.</p> <p>15 Q Do you recall in July 2011 Kitzel presented 16 with a 5-pound tumor and she died during surgery 17 that same day?</p> <p>18 A Yes.</p> <p>19 Q Do you recall why you waited until the tumor 20 was that big before seeking treatment for Kitzel?</p> <p>21 A First off, we didn't know for sure it was a 22 tumor. She was being treated for symptoms. When 23 treatment for symptoms didn't work, then it comes to 24 a point where you need to try to find out what's 25 going on, and --</p>	<p>1 surgery, how did you get her to the vet? How did 2 you transport her?</p> <p>3 A In the back of my van.</p> <p>4 Q Was she in a carrier or in an enclosure?</p> <p>5 How was she transported?</p> <p>6 A She was lightly tranquilized, and as I 7 recall, he -- I'm trying to even think. I'm only 8 going -- because I think he probably put in an IV 9 fluid unit before we left. We loaded her in the 10 back of the van. Dr. Doug rode in the back of the 11 van. We transferred her into Dr. Jones' office 12 because his is the closest veterinary clinic, and 13 they were waiting for us in there.</p> <p>14 Q Is it possible that other primates at the 15 facility were or presently are at risk of dying from 16 the same condition that killed Kitzel?</p> <p>17 A I seriously don't think so.</p> <p>18 Q Do you know what caused her tumor?</p> <p>19 A No.</p> <p>20 Q Is what caused her tumor possibly putting 21 other chimpanzees at risk?</p> <p>22 A I don't think so.</p> <p>23 Q Why is that so?</p> <p>24 A I just don't think so.</p> <p>25 Q Don't you have a basis for your belief?</p>
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Page 114

Page 116

<p>1 Q Well, isn't it a fact --</p> <p>2 MS. CHAMPION: Did you finish your answer?</p> <p>3 A Anyway, she died at the vet's office.</p> <p>4 Q (By Ms. Bernstein) Right. And isn't it a 5 fact that you did not seek any veterinary treatment 6 for Kitzel until her tumor needed an emergency 7 operation?</p> <p>8 A First off, I didn't know it was a tumor. 9 They didn't know it was a tumor until they got in 10 there to do the surgery to figure out what was 11 wrong.</p> <p>12 Q The first time you sought treatment for 13 Kitzel was also the day she died?</p> <p>14 A No.</p> <p>15 Q You sought treatment for Kitzel earlier?</p> <p>16 A I told you we did -- treated symptoms.</p> <p>17 Q Who treated the symptoms?</p> <p>18 A Dr. Doug would have been the veterinarian.</p> <p>19 Q Well, he has no records or recollection of 20 treating Kitzel. Do you have an explanation for 21 that?</p> <p>22 A A lot of times because Dr. Doug is a good 23 person he would come down like after hours in the 24 evenings. A lot of times things weren't documented.</p> <p>25 Q When you got -- when you took Kitzel for the</p>	<p>1 A Is tumors contagious? Is cancer contagious?</p> <p>2 Q Well, is that your belief that only 3 contagious diseases --</p> <p>4 A What else would affect another chimp?</p> <p>5 Q Do you know what the causes are that caused 6 Kitzel's tumor?</p> <p>7 A No, I do not.</p> <p>8 Q Do you know whether what caused Kitzel's 9 tumor could be causing other animals to develop a 10 tumor at your facility?</p> <p>11 A No, I don't.</p> <p>12 Q Do you know that if somebody -- if a 13 chimpanzee gets sick of cancer, it might be caused 14 by inappropriate nutrition or inappropriate 15 lifestyle? Are you aware of that?</p> <p>16 A I'm aware that that could happen.</p> <p>17 Q So whatever caused Kitzel's tumor, you 18 cannot rule out that other animals at your facility 19 are at risk of dying from the same condition; is 20 that right?</p> <p>21 A I don't know.</p> <p>22 Q And you didn't try to find out, did you?</p> <p>23 A I don't think she had anything that was 24 contagious or prevented.</p> <p>25 Q Right, you said you don't think. My</p>
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Page 115

Page 117

<p>1 question is you didn't try to actually find out, did 2 you?</p> <p>3 A No.</p> <p>4 Q The year after Kitzel died the chimpanzee 5 Gabby died; is that right?</p> <p>6 A Yeah. Yes.</p> <p>7 Q Is it fair to say you did not seek any 8 veterinary care or treatment for Gabby until her 9 prognosis was too grave to save her either?</p> <p>10 A Yes, I guess. She showed absolutely no 11 signs of being sick or having any kind of problem.</p> <p>12 Q So the first time you asked any veterinarian 13 to examine Gabby was also the day she died?</p> <p>14 A No.</p> <p>15 Q The veterinarian you called to check on 16 Gabby, didn't he euthanize her on the same day?</p> <p>17 A Yes, but she had medical treatment before.</p> <p>18 Q What was that treatment for?</p> <p>19 A She had -- she had previously had a baby, 20 and she didn't pass the placenta.</p> <p>21 Q Who treated her?</p> <p>22 A Dr. Doug.</p> <p>23 Q Do you have any records of that?</p> <p>24 A I don't know if Doug wrote anything down or 25 not.</p>	Page 118	<p>1 A Just what I could pull up on my records.</p> <p>2 Q Right. Did you produce all of those to us?</p> <p>3 A No.</p> <p>4 Q You have others?</p> <p>5 A No, I don't think I have them.</p> <p>6 Q Did you look?</p> <p>7 A Yes, I've looked.</p> <p>8 Q Where did you look?</p> <p>9 A In my -- in my book where I've kind of kept 10 stuff down.</p> <p>11 Q The folder, is that the folder that -- the 12 USDA folder that you --</p> <p>13 A No.</p> <p>14 Q Oh, you have a separate book?</p> <p>15 A Not really. It's just I jotted stuff down 16 on some papers. I don't know where they're at.</p> <p>17 Q The notebook that you brought with you 18 today, what's in there?</p> <p>19 A This is my enrichment.</p> <p>20 Q Your enrichment what?</p> <p>21 A Enrichment for the chimps.</p> <p>22 Q Was all of that produced? Did you give that 23 to your attorneys to produce to us?</p> <p>24 A The original book was -- you've got the 25 original book. This was the new one, and it was up</p>	Page 120
<p>1 Q What did the treatment consist of?</p> <p>2 A Actually, Dr. Doug and an OB/GYN came down 3 and put her down and was -- tranquilized her and did 4 a surgical procedure and was able to get the 5 after-birth removed. He put her on antibiotics and 6 she revived and done fine.</p> <p>7 Q How long after she gave birth was she 8 euthanized?</p> <p>9 A This wasn't at the same time.</p> <p>10 Q Right. I'm asking how long after?</p> <p>11 A Let's see, I have to figure -- probably I 12 would say five years. Might have been six years.</p> <p>13 Q You don't have any records?</p> <p>14 A I would have to look it up.</p> <p>15 Q Did you ever keep a log or something where 16 you wrote down which -- sort of the veterinary 17 history and the medical treatment of your animals?</p> <p>18 A I have written things down, but I'm not --</p> <p>19 I'm not the best bookkeeper, and sometimes the 20 records have been misplaced.</p> <p>21 Q So if one wanted to find out the detailed 22 background of these animals, when they had certain 23 treatment or when they were sick or when they were 24 saw by -- you don't have anything that would reflect 25 that?</p>	Page 119	<p>1 here, but I don't know that it got printed up.</p> <p>2 Q What do you mean the new one? What are the 3 dates?</p> <p>4 A The date on this one starts January 2017.</p> <p>5 Q And why did you not provide that?</p> <p>6 A It got changed as the attorneys changed.</p> <p>7 The one I had -- because I write in this stuff every 8 week.</p> <p>9 Q Right. The question is why was that not 10 produced to us? Did you not give that to your 11 attorneys?</p> <p>12 A At one point it was up here, and then I 13 brought this one up today because --</p> <p>14 Q What is the this one? What are you holding 15 in your hands? What is that?</p> <p>16 A My little note --</p> <p>17 Q Your calendar?</p> <p>18 A Yeah.</p> <p>19 Q You did not provide that to your attorneys 20 either?</p> <p>21 A I didn't this one because --</p> <p>22 Q You did not?</p> <p>23 A I was keeping this one updated. This one 24 here I think was up here for a while, but it might 25 not have gotten printed up.</p>	Page 121

1 Q Did you ask Dr. Jones to give you the  
 2 records that he has of the animals that he treated  
 3 for you?  
 4 A I haven't asked him.  
 5 Q You did not?  
 6 A No, I did not.  
 7 Q Did you ask Dr. Pernikoff to give you the  
 8 records that he has of the animals that he treated?  
 9 A I think a lot of the records I have from  
 10 Dr. Pernikoff, and I think you have copies of all of  
 11 those.  
 12 Q The question is did you ask Dr. Pernikoff to  
 13 give you records that he has of the animals that he  
 14 treated for you?  
 15 A Yes.  
 16 Q You did?  
 17 A Uh-huh.  
 18 Q And did he give you these records?  
 19 A I think so.  
 20 Q When did you ask him for those records?  
 21 A I don't know.  
 22 Q Are you sure you asked him?  
 23 A Yes.  
 24 Q And what did he say?  
 25 A He said he would get them to me.

Page 122

1 Q (By Ms. Bernstein) Back to Gabby. Is it  
 2 possible that other primates at the facility were  
 3 and presently are at risk of dying from the same  
 4 condition that killed Gabby?  
 5 A I guess anybody could have a stroke at any  
 6 time, so maybe.  
 7 Q Are you aware of risk factors for stroke,  
 8 you know, something that could put chimpanzees at  
 9 risk of suffering a stroke?  
 10 A Age --  
 11 Q What else?  
 12 A -- has a lot to do with it.  
 13 Q What else?  
 14 A I guess heart. A lot of things. I could  
 15 have a stroke when I walked out today.  
 16 Q Well, we're just talking about the  
 17 chimpanzees at your facility. What could put them  
 18 at risk of suffering a stroke?  
 19 A Age and diet maybe.  
 20 Q Diet?  
 21 A Yeah.  
 22 Q So you're aware that diet might be the cause  
 23 of a stroke?  
 24 A Could be.  
 25 Q Did you do anything to determine whether

Page 124

1 Q But he hasn't done so?  
 2 A He has given me records.  
 3 Q He did?  
 4 A I just told you yes.  
 5 Q Okay. Well, we request that those be  
 6 produced.  
 7 A You have them.  
 8 Q Well, we have records, but we did not  
 9 receive them from you. You know, the records that  
 10 we received were the ones that Dr. Pernikoff  
 11 produced in litigation, not that he provided to you.  
 12 A It would be the same.  
 13 Q Well, I'm asking you the records that you  
 14 requested from Dr. Pernikoff that he gave you, not  
 15 that he produced by a subpoena.  
 16 A They were the same ones.  
 17 Q All right. So Dr. Pernikoff told you he  
 18 would provide you with his records?  
 19 A Uh-huh.  
 20 Q He did?  
 21 A Uh-huh.  
 22 Q You have to answer verbally.  
 23 A Yes.  
 24 MS. BERNSTEIN: We obviously have requested  
 25 those and continue to request those.

Page 123

1 what killed Gabby was caused or aggravated by diet?  
 2 A No.  
 3 Q Why not?  
 4 A I don't know.  
 5 Q I'm sorry?  
 6 A I don't know. It's hard enough when you  
 7 lose somebody. If my mom died, I don't think I  
 8 would go have a physical.  
 9 Q So it's possible that improper diet  
 10 killed --  
 11 A No.  
 12 Q -- or caused her stroke?  
 13 A It's not possible improper diet because the  
 14 chimps have never had an improper diet.  
 15 Q Did you have a nutritionist or veterinarian  
 16 confirm that?  
 17 A I have talked to nutritionists.  
 18 Q Who was that?  
 19 A I don't remember her name.  
 20 Q Do you know when it was?  
 21 A No.  
 22 Q Do you know what kinds of foods might be  
 23 risk factors for a stroke?  
 24 A I would assume junk food.  
 25 Q You don't know?

Page 125

32 (Pages 122 - 125)

<p>1 A I'm assuming it would be a variety of 2 different foods. I'm not a veterinarian. I'm not a 3 doctor, so ...</p> <p>4 Q Right. Approximately two months after Gabby 5 died the chimpanzee Eric died as well; is that 6 right?</p> <p>7 A Yeah.</p> <p>8 Q And you never sought any veterinary care or 9 treatment for Eric before he died either?</p> <p>10 A No, that's not true.</p> <p>11 Q When was the first time a veterinarian 12 examined Eric?</p> <p>13 A I had been talking to Doug, and Doug had 14 come down and looked at Eric. Eric had not been 15 sick, but just like a few days he had showed -- like 16 he wasn't eating as much as he normally would or 17 moving around.</p> <p>18 Q For how long before he died?</p> <p>19 A Maybe two days. Doug was out of town.</p> <p>20 Q So for two days he was not feeling well?</p> <p>21 A Yeah, you could tell he didn't feel too 22 good.</p> <p>23 Q But -- I'm sorry. Go ahead.</p> <p>24 A Doug was out of town. I had talked to Doug. 25 He told me call in at Dr. Jones' office, get it set</p>	<p>1 MS. CHAMPION: Object to the form.</p> <p>2 A Who knows? I don't know.</p> <p>3 MS. CHAMPION: Lack of foundation; calling 4 for speculation.</p> <p>5 Q (By Ms. Bernstein) Do you know what the 6 symptoms are?</p> <p>7 MS. CHAMPION: Same objection.</p> <p>8 Q (By Ms. Bernstein) Are you telling me that 9 Eric only showed symptoms two days before he was too 10 sick to --</p> <p>11 A Yes, which is very common in chimpanzees 12 because they're very strong. They hide their 13 symptoms a lot of times until it's -- until they're 14 really sick.</p> <p>15 Q And is that one of the reasons that they 16 should get checkups annually because it is not so 17 easy to figure out whether they're sick just from 18 eyeballing them?</p> <p>19 A There again, I'm not a veterinarian. I 20 don't know.</p> <p>21 Q You don't know that, that it would be 22 important to have annual --</p> <p>23 A Maybe.</p> <p>24 Q -- checkups --</p> <p>25 A Possibility.</p>
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Page 126

Page 128

<p>1 up so that as soon as he got back in town we could 2 take him in and do X-rays or whatever needed to be 3 done to figure out, you know, if there was an issue 4 or problem.</p> <p>5 Q And the first time any veterinarian examined 6 Eric was when Eric was already dead?</p> <p>7 A Yes.</p> <p>8 Q Is it possible that Eric could have been 9 saved if he had been diagnosed and treated earlier?</p> <p>10 A It would have probably had to have been done 11 a long time ago.</p> <p>12 Q How long ago?</p> <p>13 A I don't know.</p> <p>14 Q Is it possible that other primates at the 15 facility were or are at risk of dying from the same 16 condition that killed Eric?</p> <p>17 MS. CHAMPION: I object as calling for 18 speculation. You can answer.</p> <p>19 A Eric had liver cancer. I guess any of us, 20 any chimp, any person could be at risk for liver 21 cancer.</p> <p>22 Q (By Ms. Bernstein) Do you know what the risk 23 factors are for liver cancer?</p> <p>24 A Life or death or treatment.</p> <p>25 Q What causes liver cancer?</p>	<p>1 Q -- because chimpanzees are known to hide 2 their symptoms very well when they're sick? You're 3 aware of that?</p> <p>4 A Yes, I am aware of it.</p> <p>5 Q But you never requested such exams for any 6 of the chimpanzees until you actually visibly see 7 symptoms?</p> <p>8 A Yes, because I feel it's a big risk to 9 tranquilize animals unless there's an issue or a 10 problem or something that appears they need it.</p> <p>11 Q Dr. Jones wrote in his notes after Eric's 12 death that, quote, "There was evidence that rupture 13 and bleeding had occurred previously," end quote.</p> <p>14 Did you not notice any symptoms of rupture 15 or bleeding prior to Eric's death?</p> <p>16 A No.</p> <p>17 Q When Dr. Jones saw Eric, he was extremely 18 jaundiced and his abdomen were extended. Can you 19 tell me for how long he was jaundiced and for how 20 many days prior?</p> <p>21 A No. It appeared -- the jaundice appeared 22 like the day before.</p> <p>23 Q The day before. And how about the extension 24 of the abdomen?</p> <p>25 A It wasn't noticed or didn't appear any more</p>
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Page 127

Page 129

<p>1 than like a couple days before.</p> <p>2 Q Are you saying the condition was not</p> <p>3 apparent?</p> <p>4 A Yes.</p> <p>5 Q Did you check?</p> <p>6 A Yes.</p> <p>7 Q Did you take notes like when --</p> <p>8 A Right, visual every day.</p> <p>9 Q I need to finish my question. I'm sorry.</p> <p>10 Did you take notes or do you or are you in</p> <p>11 the habit of taking notes when you appear to see any</p> <p>12 symptoms that are out of the ordinary so that you</p> <p>13 can refer to your notes in terms of extended abdomen</p> <p>14 or hair loss or other things that may provide a</p> <p>15 clue? Are you in the habit of taking notes of that?</p> <p>16 A I'm not in the habit of taking good notes.</p> <p>17 It's usually discussed with a volunteer or somebody</p> <p>18 else that's there.</p> <p>19 Q The year after Gabby and Eric died the</p> <p>20 chimpanzee Kelly also died?</p> <p>21 A Uh-huh, yes.</p> <p>22 Q And Kelly had had a previous history of</p> <p>23 anorexia and weight loss; is that right?</p> <p>24 A No, that's not true.</p> <p>25 Q Who was Kelly housed with before she died?</p>	<p>1 that right?</p> <p>2 A When it was going on I did.</p> <p>3 Q Oh, you did? What happened to those notes?</p> <p>4 A I don't -- I didn't file them, so I don't --</p> <p>5 I don't have them.</p> <p>6 Q For how long was Kelly not feeling good</p> <p>7 before you actually sought treatment for her?</p> <p>8 A I don't know. Doug was down there two or</p> <p>9 three times.</p> <p>10 Q You don't know?</p> <p>11 A No, I don't.</p> <p>12 Q Kelly died shortly after you sought</p> <p>13 treatment for her; is that correct?</p> <p>14 A She had been treated probably for a couple</p> <p>15 weeks.</p> <p>16 Q By whom?</p> <p>17 A Dr. Doug.</p> <p>18 Q You said Dr. Doug treated her for a couple</p> <p>19 of weeks?</p> <p>20 A Uh-huh.</p> <p>21 Q Yes?</p> <p>22 A Yes.</p> <p>23 Q But there are no records of that. What did</p> <p>24 the treatment consist of?</p> <p>25 A He came down. We gave her IV fluids. He</p>
<p style="text-align: right;">Page 130</p> <p>1 A Kelly, Connor, Candy. At times she was with</p> <p>2 Ali. At times she was with Tammy.</p> <p>3 Q At some point did she develop anorexia and</p> <p>4 weight loss?</p> <p>5 A I would never say that she was anorexic.</p> <p>6 Q So in your view she was never anorexic?</p> <p>7 A Correct.</p> <p>8 Q Did she suffer an abnormal weight loss at</p> <p>9 any time?</p> <p>10 A No. Just in the last -- probably in the</p> <p>11 last week, maybe two weeks before she died, it just</p> <p>12 all of a sudden she stopped -- she didn't want to</p> <p>13 eat, so her weight loss had cut way back.</p> <p>14 Q But you don't recall that she had a history</p> <p>15 of anorexia?</p> <p>16 A No.</p> <p>17 Q That's news to you?</p> <p>18 A That's news to me.</p> <p>19 Q When she was losing weight, did she get fed</p> <p>20 in an individual tray, or was the food presented to</p> <p>21 all of the chimpanzees that were at the enclosure at</p> <p>22 the same time?</p> <p>23 A No, she was -- she was isolated and fed</p> <p>24 separate so I could monitor her intake and output.</p> <p>25 Q But you did not take any notes of that; is</p>	<p style="text-align: right;">Page 132</p> <p>1 gave her a shot of antibiotics, and you'll have to</p> <p>2 verify it because I don't know what it was; gave her</p> <p>3 something for an appetite stimulant to see if that</p> <p>4 would help. I know he did -- he drew stool, and</p> <p>5 that's all I can remember.</p> <p>6 Q Dr. Jones who euthanized -- is Dr. Jones the</p> <p>7 one who euthanized Kelly?</p> <p>8 A I'll have to think. No, Kelly died on her</p> <p>9 own.</p> <p>10 Q His records suggest that he believes she</p> <p>11 died of stomach cancer. Is that consistent with</p> <p>12 your recollection?</p> <p>13 A Yes, ma'am.</p> <p>14 Q And is it possible that other primates at</p> <p>15 the facility were or are at risk of dying from the</p> <p>16 same condition that killed Kelly?</p> <p>17 MS. CHAMPION: Object as calling for</p> <p>18 speculation; lack of foundation. You can answer.</p> <p>19 A You know, I guess anything is a possibility.</p> <p>20 I don't know.</p> <p>21 Q (By Ms. Bernstein) You certainly didn't try</p> <p>22 to find out whether what killed Kelly could have</p> <p>23 been prevented and might put other chimpanzees at</p> <p>24 the facility at risk; is that right?</p> <p>25 A No. I just figured it was isolated.</p>

Page 131

Page 133

34 (Pages 130 - 133)

1 Q You figured, but you didn't actually seek  
 2 advice from any veterinarian about that; is that  
 3 right?  
 4 A I guess not. I don't know.  
 5 Q I'm sorry. Were you done?  
 6 A Yeah. I think we had discussed, you know,  
 7 about cancer. Is stomach cancer contagious? Is  
 8 liver cancer contagious? I don't know.  
 9 Q How does that factor into my question about  
 10 the causes of cancer?  
 11 A I don't know. Maybe I'm not understanding  
 12 your question.  
 13 Q If Kelly was not fed a proper diet, could  
 14 that have caused stomach cancer?  
 15 A If she was not fed a proper diet, but I tell  
 16 you, my chimps have had and always have had an  
 17 adequate balanced diet.  
 18 Q A few months after Kelly died Angel died; is  
 19 that right?  
 20 A Yeah.  
 21 Q And Angel died following emergency surgery.  
 22 Do you recall that?  
 23 A Yeah.  
 24 Q According to Dr. Pernikoff, Angel had a  
 25 massive tumor involving the reproductive tract

Page 134

1 coming out.  
 2 Q But after the initial prolapse, she did  
 3 continue to lose blood; is that right?  
 4 A No, no. After the first prolapse everything  
 5 seemed to be fine. There was no blood loss until  
 6 she prolapsed again, and at that time it was -- the  
 7 prolapse was bigger.  
 8 Q Are you telling me that you did not notice  
 9 that Angel was losing any blood between the time of  
 10 the first to the second prolapse? You didn't notice  
 11 that?  
 12 A No.  
 13 Q You didn't notice that she was becoming  
 14 severely anemic?  
 15 A No.  
 16 Q Dr. Pernikoff agreed at his deposition that,  
 17 quote, "Somebody acted negligently in connection  
 18 with Angel's veterinary care," end quote, and that  
 19 may have caused Angel's death. Are you prepared to  
 20 accept at least some responsibility for Angel's  
 21 untimely death?  
 22 A No.  
 23 Q Are you prepared to accept at least some  
 24 responsibility for not seeking treatment for Angel  
 25 immediately which caused her to become severely

Page 136

1 requiring emergency surgery that lasted almost two  
 2 hours. Is that consistent with what you remember?  
 3 A I don't recall Angel having a massive tumor.  
 4 Angel had a prolapse, which was treated by Doug and  
 5 another vet, and then she was doing well, and she  
 6 prolapsed again. I'm thinking it was like six weeks  
 7 later, and that's what she had surgery for was the  
 8 prolapse.  
 9 Q The initial prolapse, was that treated at  
 10 your facility?  
 11 A Yes.  
 12 Q Are you aware that on the day of the surgery  
 13 for the second prolapse Angel was severely anemic  
 14 from blood loss that she suffered from before you  
 15 brought her in for the surgery?  
 16 A It showed that she had -- that she was  
 17 anemic, yeah.  
 18 Q According to Dr. Pernikoff, Angel's blood  
 19 loss did not happen overnight but over some period  
 20 of time. If that is true, did you not notice that  
 21 Angel was losing blood over the period of time  
 22 following her initial prolapse?  
 23 A There was minute blood, but she may have  
 24 been bleeding on the inside or something. There was  
 25 not a lot of blood that you could see that was

Page 135

1 anemic?  
 2 A No, because I was in contact with Doug the  
 3 whole time.  
 4 Q You don't have any records of that, do you?  
 5 A No, I guess not.  
 6 Q Do you know what caused her initial  
 7 prolapse?  
 8 A No.  
 9 Q Do you know what caused her subsequent  
 10 prolapse?  
 11 A No.  
 12 Q Do you know what caused the tumor that is  
 13 reflected in the veterinary records?  
 14 A I -- no, I don't even recall there being a  
 15 tumor.  
 16 Q In 2016 the chimpanzee Toni died?  
 17 A Yeah.  
 18 Q And when did you first seek treatment for  
 19 Toni?  
 20 A Toni developed a cough, and we were  
 21 treating -- she was being treated for pneumonia.  
 22 Q By whom?  
 23 A Dr. Doug.  
 24 Q What caused the cough and the pneumonia?  
 25 A I don't know.

Page 137

35 (Pages 134 - 137)

1 Q Did you try to find out?  
 2 A I'm not sure how to answer that. It's like  
 3 she had a cough. She was on cough medication. Doug  
 4 had come down and had darted her with Rocephin. She  
 5 was also on -- I think before the Rocephin she was  
 6 on amoxicillin, and she wasn't getting better. Then  
 7 he put her on the stronger antibiotics, which was  
 8 the Rocephin, which she wasn't getting better, and  
 9 then she was treated for congestive heart failure.  
 10 Q How -- Where was she housed while she was  
 11 having the coughing and was being treated --  
 12 A She was housed separate.  
 13 Q -- for pneumonia?  
 14 A She was housed separate. I was going in  
 15 there with her every day, making sure she had her  
 16 medication, giving her special foods and treats.  
 17 Q Where was she in relation to the other  
 18 chimpanzees?  
 19 A Okay. She was in -- for lack of letting you  
 20 know, it's the purple cage.  
 21 Q She was in the purple cage?  
 22 A Yeah, and shifted back and forth between the  
 23 purple cage and the orange cage on the other side.  
 24 Q Was she quarantined --  
 25 A Yes.

Page 138

1 Q Toni is not the only primate who died of  
 2 complications from pneumonia; is that right?  
 3 A As far as I know, she is the only one.  
 4 Q Did Yogi die of pneumonia?  
 5 A Oh, yeah. Maybe.  
 6 Q Do you know whether there is a vaccine that  
 7 could have prevented that?  
 8 A There might be, yeah.  
 9 Q But you didn't try to find out?  
 10 A No.  
 11 Q Do you recall, so --  
 12 A They weren't housed together.  
 13 Q Right. My question was you don't know  
 14 whether there is a vaccine that could have prevented  
 15 the pneumonia that Toni -- that eventually took  
 16 Toni's life or Yogi's life?  
 17 MS. CHAMPION: I'm going to object as asked  
 18 and answered.  
 19 A I'm not sure.  
 20 Q (By Ms. Bernstein) So the year after Toni  
 21 died the gibbon Yogi died, and he died of pneumonia,  
 22 is that right, or believed to have died of  
 23 pneumonia?  
 24 A Yeah, I think so. I think that's what --  
 25 Q You're not sure?

Page 140

1 Q -- or --  
 2 A She was by herself.  
 3 Q Right; she was by herself, but did -- was  
 4 there air flow between her enclosure and the  
 5 enclosures of the other chimpanzees?  
 6 A Yes.  
 7 Q There was?  
 8 A Uh-huh.  
 9 Q Yes? So if she had a virus, that could be  
 10 caught or transmitted through the air to other  
 11 chimpanzees?  
 12 A I guess it would be possible, yeah.  
 13 Q She was not like in some effective  
 14 quarantine? She was just by herself in a cage, but  
 15 she was not effectively quarantined; is that right?  
 16 A That's correct.  
 17 Q And is it possible that primates at the  
 18 facility were or are at risk of dying from the same  
 19 condition that killed Toni?  
 20 MS. CHAMPION: Object as calling for  
 21 speculation; lack of foundation. You can answer.  
 22 A I don't know.  
 23 Q (By Ms. Bernstein) You didn't try to find  
 24 out; is that right?  
 25 A If I -- I guess not.

Page 139

1 A -- was the -- I think that's what the  
 2 conclusion was that he had pneumonia.  
 3 Q Do you recall about two years prior, taking  
 4 you back to June 2015, that Yogi had been seriously  
 5 ill and you took him to the vet because he was  
 6 listless, weak and dehydrated?  
 7 A Yes.  
 8 Q Do you recall how you got him to the vet?  
 9 A I took him there.  
 10 Q You drove him in the car, or how did you  
 11 take him?  
 12 A Yeah, he was -- I caught him up in a catch  
 13 cage and took him to Doug's.  
 14 Q Was he tranquilized or you just carried him  
 15 in the cage?  
 16 A Yeah, carried him in the cage. I was able  
 17 to get him out of the big enclosure into a smaller  
 18 enclosure, put the cage in the back of my van, drove  
 19 it up to Dr. Doug's.  
 20 Q Now, do you recall what was wrong with Yogi  
 21 in June of 2015 that he was treated for?  
 22 A It's my understanding that he had some like  
 23 stomach issues.  
 24 Q He had stomach issues?  
 25 A Yeah.

Page 141

<p>1 Q What was the cause of the stomach issues?</p> <p>2 A I am not sure.</p> <p>3 Q Did you try to find out?</p> <p>4 A It would be on Doug's records. I think he</p> <p>5 had a bacterial stomach issue.</p> <p>6 Q But you don't know?</p> <p>7 A No, I don't have it.</p> <p>8 Q Right. And you didn't ask for copies of</p> <p>9 those at the time?</p> <p>10 A I don't know if Doug give it to me or not.</p> <p>11 He was at Doug's office for a couple days before I</p> <p>12 brought him back home.</p> <p>13 Q And after the following two years, isn't it</p> <p>14 a fact that Yogi had intermittent episodes of not</p> <p>15 feeling well?</p> <p>16 A He had a couple.</p> <p>17 Q A couple what?</p> <p>18 A One other episode after that where he just</p> <p>19 wasn't eating right, but we put him on amoxicillin</p> <p>20 and he got better.</p> <p>21 Q But during the period of time from June 2015</p> <p>22 to the time when he died, you did not seek any</p> <p>23 veterinary care or treatment for these episodes in</p> <p>24 between?</p> <p>25 A He only had one in between, and Doug did</p>	<p>1 Q (By Ms. Bernstein) Which of these weigh more</p> <p>2 than 110 pounds?</p> <p>3 A Sheena probably, Kitzel, Eric.</p> <p>4 Q Were you finished?</p> <p>5 A Yes.</p> <p>6 Q Okay. Of the chimpanzees that are currently</p> <p>7 at the facility, which are over 110 pounds?</p> <p>8 A Candy, Connor probably, Kerry and Tonka.</p> <p>9 Q Are you aware of USDA regulations that</p> <p>10 require certain special care and provisions for</p> <p>11 chimpanzees that weigh more than 110 pounds?</p> <p>12 A I think 110 pounds is probably an estimated</p> <p>13 weight of a wild chimpanzee. Chimpanzees in</p> <p>14 captivity are usually much bigger than wild</p> <p>15 chimpanzees.</p> <p>16 Q My question is are you aware of USDA</p> <p>17 regulations that require certain special care and</p> <p>18 provisions for chimpanzees that weigh more than 110</p> <p>19 pounds?</p> <p>20 A Yes.</p> <p>21 Q Okay. Are you in compliance with those</p> <p>22 provisions?</p> <p>23 A Yes.</p> <p>24 Q And what do those provisions require?</p> <p>25 A Stronger cages.</p>
<p style="text-align: right;">Page 142</p> <p>1 treat him.</p> <p>2 Q Oh, he did?</p> <p>3 A Yes.</p> <p>4 Q You don't have any records of that, do you?</p> <p>5 A I'm not sure. Doug had called in a</p> <p>6 prescription for the amoxicillin.</p> <p>7 Q Oh, he just called in a prescription? He</p> <p>8 didn't see --</p> <p>9 A He came down and looked at him, and then he</p> <p>10 called the prescription in for amoxicillin.</p> <p>11 Q How much did Yogi weigh at the time when</p> <p>12 that prescription was called in?</p> <p>13 A I don't know because he wasn't pulled out of</p> <p>14 the cage.</p> <p>15 Q So how was it decided what the doses would</p> <p>16 be?</p> <p>17 A I think pretty much on the dose of</p> <p>18 amoxicillin it goes maybe estimated weight or size</p> <p>19 of the animal.</p> <p>20 Q The animals that are on the list of Exhibit</p> <p>21 3 that died during the past ten years, which of</p> <p>22 those weighed more than 110 pounds?</p> <p>23 MS. CHAMPION: Are you including the</p> <p>24 capuchin and the gibbon?</p> <p>25 MS. BERNSTEIN: Yeah, all of them.</p>	<p style="text-align: right;">Page 144</p> <p>1 Q Anything else?</p> <p>2 A As long as they have plenty of room to move</p> <p>3 around, plenty of exercise, social status between</p> <p>4 the other chimps, I don't see a male chimp of over</p> <p>5 110 pounds being an issue.</p> <p>6 Q Right. My question is the regulations, are</p> <p>7 you aware of any other regulations that you are</p> <p>8 required to be in compliance with with respect to</p> <p>9 chimpanzees weighing more than --</p> <p>10 A No.</p> <p>11 Q -- 110 pounds?</p> <p>12 A No.</p> <p>13 Q You're not? Those are the only ones you</p> <p>14 recall?</p> <p>15 A Uh-huh.</p> <p>16 Q Yes? Now, how did you administer the</p> <p>17 amoxicillin to Yogi?</p> <p>18 A By mouth.</p> <p>19 Q How did you administer it?</p> <p>20 A Either by a spoon or maybe a syringe.</p> <p>21 Q You're not sure or are you saying you --</p> <p>22 A At different times because sometimes he</p> <p>23 would take it out of a syringe. Sometimes you had</p> <p>24 to put it on a spoon. Sometimes I put it on a piece</p> <p>25 of bread, put the amoxicillin on there and gave it</p>

Page 143

Page 145

37 (Pages 142 - 145)

<p>1 to him.</p> <p>2 Q Was Yogi housed by himself when he was 3 treated?</p> <p>4 A When he was treated, he was by himself.</p> <p>5 Q Where was he housed?</p> <p>6 A Besides being at Dr. Doug's?</p> <p>7 Q No, when he was treated with the 8 amoxicillin, where was he housed? Physically where 9 was he in relation to the other chimpanzees?</p> <p>10 MS. CHAMPION: He wasn't a chimp; right?</p> <p>11 MS. BERNSTEIN: I'm sorry, yeah, gibbon.</p> <p>12 Q (By Ms. Bernstein) Where was he?</p> <p>13 A He was in the cage next to -- he was outside 14 in the cage next to --</p> <p>15 Q I'm sorry, next to?</p> <p>16 A There's a space between the other gibbon.</p> <p>17 Q So if he were coughing --</p> <p>18 A He wasn't coughing.</p> <p>19 Q If he -- if his pneumonia was contagious, 20 there was nothing that would prevent other primates 21 from catching it?</p> <p>22 A Maybe not.</p> <p>23 Q He wasn't quarantined in an effective manner 24 that would prevent any contagious --</p> <p>25 A No.</p>	<p>1 were or are at risk of dying from the same condition 2 that killed Yogi; is that right?</p> <p>3 A I guess not.</p> <p>4 Q So it's possible that other chimpanzees or 5 other primates could develop the same condition that 6 Yogi -- that killed Yogi?</p> <p>7 A I don't know if they would or not. I guess 8 anything is a possibility, but I don't know.</p> <p>9 Q The notes from Dr. Pernikoff regarding Yogi 10 state, quote, "Lack of funds for outside laboratory 11 findings," end quote. Do you know what outside 12 laboratory findings would have cost if you had -- if 13 you had paid for it?</p> <p>14 A No, I don't know, and I'm sure it varies 15 from facility to facility what they charge.</p> <p>16 Q For any of the primates who died that are 17 listed on Exhibit 3, did you ever request outside 18 labs to confirm or rule out certain causes of death?</p> <p>19 A No. Dr. Doug handled most of that stuff.</p> <p>20 Q Right. You did not ask for any laboratory, 21 outside laboratory findings; is that right?</p> <p>22 A No, I did not.</p> <p>23 Q And you don't know what that would cost?</p> <p>24 A No. It's kind of like going to Metro 25 Imaging or Jefferson Memorial Hospital. I don't</p>
<p>Page 146</p> <p>1 Q -- diseases being transmitted?</p> <p>2 A No, no, and a lot of times total isolation 3 does more or worse effects on an animal that's been 4 around other animals or has the social interaction. 5 In other words, he probably would get better at 6 least being to where he could see his mate than 7 isolated in a room by himself.</p> <p>8 Q So it was worth risking the other 9 primates --</p> <p>10 A I didn't --</p> <p>11 Q -- catching something?</p> <p>12 A I'm sorry. I didn't feel like any of them 13 was at risk.</p> <p>14 Q You felt that way. What basis did you have 15 for that feeling?</p> <p>16 A I just didn't feel they were at risk.</p> <p>17 Q Right. I'm asking you what was the basis 18 for that feeling?</p> <p>19 A My -- I've had very few primates that got 20 colds or flu. I feel like they have a good 21 immunity, and I guess the basis is you can walk 22 around millions of people; you might get sick and 23 you might not.</p> <p>24 Q You certainly didn't do anything to 25 determine whether the other primates at the facility</p>	<p>Page 148</p> <p>1 know what they charge.</p> <p>2 Q And less than a year after Yogi died the 3 capuchin Peewee died; is that right?</p> <p>4 A Yeah, Peewee died.</p> <p>5 Q Did you ever seek any veterinary care for 6 Peewee before -- was it a female or a male?</p> <p>7 A Peewee was a male.</p> <p>8 Q Did you ever seek any veterinary care before 9 he died?</p> <p>10 A No. He never showed any signs of being 11 sick. He never showed any signs of not eating or 12 drinking. He was just in the cage -- he was dead in 13 the morning.</p> <p>14 Q He was dead?</p> <p>15 A Yeah.</p> <p>16 Q He was found dead in his cage?</p> <p>17 A Yes.</p> <p>18 Q With whom was he in a cage?</p> <p>19 A He was in a cage with two other female 20 capuchins, and he was 32 years old.</p> <p>21 Q Did you learn whether Peewee's death could 22 have been prevented or cured if it had been 23 diagnosed and treated earlier?</p> <p>24 A No. I assumed at that age it was probably a 25 heart attack or a stroke. There was no -- there was</p>

Page 147

Page 149

<p>1 no visual --</p> <p>2 Q You -- I'm sorry. You assumed that?</p> <p>3 A I assumed that. There was no visual signs</p> <p>4 of any kind of distress or harm or anything.</p> <p>5 Q What did you do after you found Peewee dead</p> <p>6 in the cage?</p> <p>7 A I isolated the two females, got him out and</p> <p>8 buried him.</p> <p>9 Q You never sought any veterinarian --</p> <p>10 A No.</p> <p>11 Q -- to have a look to determine the cause of</p> <p>12 death?</p> <p>13 A Not because of his age I didn't.</p> <p>14 Q So currently you wouldn't know whether what</p> <p>15 killed Peewee might be posing a risk for any of the</p> <p>16 other primates?</p> <p>17 A No. I just -- no. Capuchins in captivity,</p> <p>18 that's a long lifespan for them.</p> <p>19 Q Before Peewee died was he ever examined by</p> <p>20 any veterinarian, physically examined?</p> <p>21 A Probably before I got him.</p> <p>22 Q Right.</p> <p>23 A And at some point because he was passed</p> <p>24 around to a couple other people, I do think Dr. Doug</p> <p>25 at some point neutered him. It would have been</p>	<p>1 have to -- I'm not a veterinarian, and I don't have</p> <p>2 the report from Doug. She had congestive heart</p> <p>3 failure, and evidently her liver was bad.</p> <p>4 Q And you said you don't have any notes or you</p> <p>5 have never seen any records for Kimmy, veterinary</p> <p>6 records for Kimmy; is that right?</p> <p>7 A From Doug?</p> <p>8 Q Yeah.</p> <p>9 A He hasn't supplied them yet.</p> <p>10 Q So did he tell you that she died of</p> <p>11 congestive heart failure or that her liver was bad?</p> <p>12 How do you know that?</p> <p>13 A I was there when they were operating on her.</p> <p>14 Q Who is they?</p> <p>15 A Huh?</p> <p>16 Q Who's the they?</p> <p>17 A Dr. Doug was in charge and Dr. Jones was</p> <p>18 there.</p> <p>19 Q How did you get Kimmy to the facility, to</p> <p>20 wherever she was being operated on?</p> <p>21 A Dr. Doug had come down, darted her. I'm</p> <p>22 trying to think. I think he had -- he put the --</p> <p>23 Q Catheter?</p> <p>24 A Yeah, the catheter in so it would be ready</p> <p>25 when we got into the vet's office at Dr. Jones's,</p>
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Page 150

Page 152

<p>1 years before, not under my care.</p> <p>2 Q Where did you bury Peewee?</p> <p>3 A Where did I bury him?</p> <p>4 Q Yes.</p> <p>5 A In my yard.</p> <p>6 Q Peewee is buried in your yard?</p> <p>7 A Yes.</p> <p>8 Q Are any other primates buried in your yard?</p> <p>9 Yes?</p> <p>10 A Yes.</p> <p>11 Q Who's buried in your yard?</p> <p>12 A Yogi.</p> <p>13 Q Who else?</p> <p>14 A That's it.</p> <p>15 Q Three months after Peewee died the</p> <p>16 chimpanzee Kimmy also died; is that right?</p> <p>17 MS. CHAMPION: After we finish Kimmy we'll</p> <p>18 take a little lunch break.</p> <p>19 A Yes, Kimmy died.</p> <p>20 Q (By Ms. Bernstein) And Kimmy died less than</p> <p>21 a month after you first sought treatment for her; is</p> <p>22 that right?</p> <p>23 A Yes.</p> <p>24 Q Why did Kimmy die?</p> <p>25 A She had congestive heart -- well, you'll</p>	<p>1 and they did X-rays, and it showed that she had a</p> <p>2 lot of fluid built up.</p> <p>3 Q When did Kimmy start to have lesions on her</p> <p>4 foot?</p> <p>5 A She had previously a couple years ago had</p> <p>6 injured her foot, and she was treated then, and she</p> <p>7 had -- I'm trying to think. It was probably six</p> <p>8 weeks -- I don't know if I've got it in here or not.</p> <p>9 We were treating her for a foot injury where the</p> <p>10 skin was pulled off, but Kimmy was a picker, so</p> <p>11 every time it would start to heal, she would peel</p> <p>12 the skin back off again. And we first started</p> <p>13 treating her for her foot on August the -- it looks</p> <p>14 like the 14th.</p> <p>15 Q 2018?</p> <p>16 A Yes.</p> <p>17 Q You're referring to a calendar that you</p> <p>18 have?</p> <p>19 A Yes.</p> <p>20 Q Did you keep a calendar like this for the</p> <p>21 previous year?</p> <p>22 A Yeah, but sometimes I don't write everything</p> <p>23 down.</p> <p>24 Q Right, but you kept a calendar like this,</p> <p>25 similar to this for the previous year?</p>
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Page 151

Page 153

39 (Pages 150 - 153)

<p>1 A Uh-huh.      2 Q Yes?      3 A Yes, ma'am.      4 Q Where is that calendar?      5 A I don't know.      6 Q Do you have it?      7 A I don't know.      8 Q Did you look for it?      9 A I looked through my records and I didn't see      10 the calendar.      11 Q Did you throw it out? Do you recall what      12 happened to it?      13 A I don't know.      14 Q Is there a reason why we weren't provided      15 copies of this calendar that you're having in front      16 of you?      17 A I guess it just -- because I write in it      18 every day, and so I guess there just wasn't -- it      19 wasn't up here to get it printed.      20 Q So you say Kimmy was a picker. For how long      21 was she a picker?      22 A Kimmy has been a picker all of her -- I got      23 her in 1986, and she was 30-something years old when      24 I got her, and she's always -- if she had a little      25 spot, she would pick at it.</p>	<p>1 A I don't know.      2 Q You have to let me finish because of the      3 court reporter.      4 A Okay.      5 Q When did you ask Dr. Doug for providing care      6 for Kimmy's picking prior to when she started --      7 when you sought treatment in August of 2018? Prior      8 did you ever ask him for care or treatment for      9 Kimmy's picking?      10 A Yeah, I don't remember when it was, but it      11 was probably 2016 maybe.      12 Q Do you have any records of that?      13 A I don't -- probably not.      14 Q Did you ask any veterinarian what the cause      15 was for Kimmy's picking?      16 A No.      17 Q You referred previously that Kimmy injured      18 her foot a couple years ago. When was that?      19 A I don't recall.      20 Q What caused the injury?      21 A I have no idea.      22 Q Who treated Kimmy for that injury?      23 A I consulted Dr. Doug.      24 Q Did he treat her for it?      25 A He just told me to use -- she was put on an</p>
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Page 154

Page 156

<p>1 Q And have you ever sought treatment for that      2 over all the years that you had her?      3 A Oh, yeah, because most of it was just      4 superficial.      5 Q Who treated her?      6 A I treated her, if it was a scrape or a      7 scratch, with antibiotics, something like that.      8 Q Who -- What veterinarian treated her for      9 this condition of being a picker?      10 A Dr. Doug's always been my vet.      11 Q I know he's always been your vet. The      12 question is did you ask him to provide care for      13 Kimmy, for Kimmy's picking?      14 A She didn't do it on an everyday basis.      15 Q Did you ask Dr. Doug to provide care or      16 treatment for Kimmy's picking?      17 A I guess only if she had an injury or a sore      18 that required veterinary care.      19 Q When did you ask Dr. Doug to provide care      20 for Kimmy's picking?      21 A So are you saying in 1986 when I got her did      22 I ask Doug? No, Doug wasn't my veterinarian in      23 1986.      24 Q Well, which is why I said when did you ask      25 Dr. Doug to provide care --</p>	<p>1 antibiotic. I had some spray antiseptic that I put      2 on there, and when she would let me, we treated it      3 with like triple antibiotic salve.      4 Q Were those prescribed by Dr. Pernikoff?      5 A No. It was -- you can buy it at the      6 drugstore, at Wal-Mart.      7 Q Was the antibiotic prescribed by      8 Dr. Pernikoff for Kimmy's foot?      9 A Oh, the amoxicillin? Yeah.      10 Q But again, there's no records of that?      11 A Probably not.      12 Q According to the records that we have, you      13 called Dr. Pernikoff on September 18th and reported      14 that Kimmy was lethargic for a few days, laying      15 around and not interested in eating much. Is that      16 consistent with what you remember?      17 A No. She was never lethargic.      18 Q She was not?      19 A No.      20 Q So you don't recall that Kimmy was lethargic      21 for a few days, laying around and not interested in      22 eating much?      23 A No, she was never what I would ever call      24 lethargic. Her food intake had dropped, and she      25 wasn't drinking as much fluids, but she was never</p>
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Page 155

Page 157

40 (Pages 154 - 157)

1 lethargic.  
 2 Q When -- You were there when Lisa Harned  
 3 testified. Do you recall that?  
 4 A Yes.  
 5 Q She testified that Kimmy died while having  
 6 surgery at Dr. Jones's office. Is that consistent  
 7 with what you remember?  
 8 A Yes.  
 9 Q And at the time you thought that Kimmy  
 10 actually might be pregnant?  
 11 A I didn't know. It just all of a sudden  
 12 her -- I didn't see how she could be because of her  
 13 age, but she had some like fluid discharge, like  
 14 colostrum or something, that you noticed coming out  
 15 of her breast. And like I said, I didn't see how in  
 16 the world she could be because she's 64 years old,  
 17 but --  
 18 Q Who was she housed with at the time?  
 19 A She had been housed with --  
 20 Q At the time when she got sick.  
 21 A She was by herself. With the foot injury  
 22 she was housed with Kerry, Crystal and her.  
 23 Q How did you -- you said it was not likely  
 24 that she could get pregnant, but how did you assume  
 25 she would have gotten pregnant? If that was it, how

Page 158

1 stomach looked fuller.  
 2 Q So over a couple of days her stomach looked  
 3 fuller?  
 4 A Uh-huh.  
 5 Q Yes?  
 6 A Yes.  
 7 Q Why did you not get her to the vet  
 8 immediately when that happened?  
 9 A She was -- she was being treated. She was  
 10 under veterinary care. I assumed that maybe she --  
 11 because she wasn't urinating as much as she had  
 12 been, but her -- that's the thing, because her food  
 13 intake went down, I didn't know what the issue was.  
 14 I didn't know what was wrong with her.  
 15 Q You say her food intake went down?  
 16 A Yeah.  
 17 Q Over the period of what time?  
 18 A Three days.  
 19 Q According to the records that we saw, Kimmy  
 20 doubled in weight between the time she was --  
 21 A That's not true.  
 22 Q I have to finish.  
 23 A Okay.  
 24 Q According to the records that we saw,  
 25 Kimmy's weight doubled in weight. She doubled in

Page 160

1 would she have gotten pregnant?  
 2 A Well, because she was in with a male, but --  
 3 Q So --  
 4 A Like I said, because of her age, it was very  
 5 unlikely.  
 6 Q So you had an unaltered male and an  
 7 unaltered female together?  
 8 A A 64-year-old unaltered female.  
 9 Q With an unaltered male?  
 10 A Yes.  
 11 Q Did you take any precautions against  
 12 chimpanzees getting pregnant when you housed  
 13 unaltered males with unaltered females?  
 14 A Like she wasn't cycling. She wasn't  
 15 visually cycling anymore, so I didn't see it as an  
 16 issue. Plus, she's 64 years old.  
 17 Q Do you take any precautions when you house  
 18 unaltered males together with unaltered females?  
 19 And with precautions I mean precautions against  
 20 them, the females conceiving.  
 21 A No.  
 22 Q Other than the fluid discharge from her  
 23 breast, did Kimmy look like she was pregnant to you?  
 24 A She had -- she all of a sudden like in the  
 25 last couple days she had -- you could see that her

Page 159

1 weight from the time he was seen -- she was seen for  
 2 her foot until the time when she was brought in for  
 3 the surgery. Is that consistent with your  
 4 recollection?  
 5 A No.  
 6 Q What was the weight -- what was Kimmy's  
 7 weight when she was first seen for her foot in  
 8 August of 2018?  
 9 A It was estimated that she probably weighed  
 10 about 95 pounds, I think.  
 11 Q And how much was her weight when you took  
 12 her to the vet for the surgery?  
 13 A I am not sure.  
 14 Q You can't estimate it by looking at her what  
 15 her weight would be?  
 16 A I would guess maybe 120.  
 17 Q So she might have gained 25 pounds?  
 18 A Maybe, maybe not.  
 19 Q Even though she wasn't eating right?  
 20 A She was not -- it was like three days where  
 21 her intake had dropped.  
 22 Q You said something was not right with her  
 23 liver. What was the problem with her liver?  
 24 A You'll have to check Dr. Doug's thing. I  
 25 don't know. I was there at the surgery. I just

Page 161

1 overheard stuff. I was sitting at the side of the  
 2 thing crying.  
 3 Q So you don't know whether she suffered from  
 4 fatty liver disease?  
 5 A I don't know. You'll have to check  
 6 Dr. Doug's records.  
 7 Q You didn't ask?  
 8 A I was too stressed out to ask.  
 9 Q Did you ask -- and you also didn't ask what  
 10 might have caused her to die?  
 11 A No.  
 12 Q What happened to Kimmy's remains?  
 13 A She was cremated.  
 14 Q Who cremated her?  
 15 A The cremation place.  
 16 Q Did you request that the remains be  
 17 preserved so that independent experts in this case  
 18 could examine them?  
 19 A Why would I? She was 64 years old.  
 20 Q So you did not request that her remains be  
 21 preserved so that independent experts could examine  
 22 them?  
 23 A No. I have her ashes.  
 24 Q You decided not to bury her in your backyard  
 25 why?

Page 162

1 record. This is media unit number three. The time  
 2 is 1:47.  
 3 Q (By Ms. Bernstein) Welcome back, Ms. Casey.  
 4 I remind you that you're still under oath.  
 5 A Yes.  
 6 Q That requires you to tell the whole truth  
 7 and if you remember something to make sure you give  
 8 me your full and complete memory.  
 9 In this case you were requested to produce  
 10 certain documents and other records. Are you aware  
 11 of that?  
 12 A Uh-huh.  
 13 Q Yes?  
 14 A Yes.  
 15 Q And do you know, did anybody show you what  
 16 records were requested, what categories of documents  
 17 were requested for you to produce?  
 18 A Well, I got the paperwork.  
 19 Q Okay. So you actually got a copy of the  
 20 request?  
 21 A Yes.  
 22 Q Okay. And you got that a while back?  
 23 A Yes, I think so.  
 24 Q And can you describe for me what search you  
 25 conducted to locate all the records that were

Page 164

1 A Because I didn't feel like digging a hole.  
 2 Q When did you tell your attorneys that Kimmy  
 3 died?  
 4 A The day she died or the following day, I  
 5 guess.  
 6 Q Was that after or before Kimmy was cremated?  
 7 A It would have been before.  
 8 Q So your attorneys could have put a halt to  
 9 the cremation and asked you to preserve the  
 10 evidence?  
 11 A Okay, what do you think? Put her in a  
 12 freezer for how long?  
 13 Q So is that a yes or a no to my question?  
 14 A Okay. Ask -- tell me the question.  
 15 Q Yes. So your attorney had notice and could  
 16 have asked you to preserve Kimmy so that independent  
 17 experts could examine Kimmy's remains?  
 18 A Possibility.  
 19 MS. BERNSTEIN: If this is a good -- yes,  
 20 we're off the record.  
 21 THE VIDEOGRAPHER: We're going off the  
 22 record. This concludes media unit number two. The  
 23 time is 1:05.  
 24 (Recess)  
 25 THE VIDEOGRAPHER: We're going back on the

Page 163

1 requested?  
 2 A Well, I went back over what I thought I  
 3 might have and couldn't find a lot of things. I've  
 4 explained before that I had an electrical surge or  
 5 strike which wiped out my telephone, my fax machine,  
 6 my computer, the TV. It wiped out everything and I  
 7 never replaced my computer. Nothing was salvageable  
 8 in it, and so probably some of the things weren't --  
 9 I mean, I don't know how to get it if it's not  
 10 there.  
 11 Q When did you have this incident that  
 12 supposedly wiped out all the files on your computer?  
 13 A I don't know. It was probably 2015, maybe  
 14 early '16.  
 15 Q Do you still have that computer?  
 16 A No.  
 17 Q What did you do with it?  
 18 A It went to the recycling place.  
 19 Q And when was it recycled?  
 20 A I don't know. After it was -- I took it in  
 21 to see if there was anything that was salvageable on  
 22 it.  
 23 Q When was it recycled?  
 24 A I don't know. Probably -- I don't remember.  
 25 It would have been very shortly after it was

Page 165

42 (Pages 162 - 165)

1 destroyed.  
2 Q Sometime in 2015 or early 2016?  
3 A Yes.  
4 Q After that did you get a new computer?  
5 A No.  
6 Q Why not?  
7 A I just didn't.  
8 Q Right. Why not?  
9 A You know, at that point I didn't want one.  
10 Q Why not?  
11 A Because I just didn't.  
12 Q Why did you not want a computer at that  
13 point?  
14 A Because I don't have time to mess with a  
15 computer. My time is -- my time is taking care of  
16 taking care of those animals.  
17 Q You have an e-mail account, at least one?  
18 A Yes.  
19 Q What is the e-mail address?  
20 A [REDACTED]  
21 Q When did you get that address?  
22 A I don't remember.  
23 Q And you had another address as well?  
24 A It was an AOL account.  
25 Q Right. Was that [REDACTED]

Page 166

1 exactly sure how to go about doing that, but I can  
2 tell you 100 percent sure I did not communicate any  
3 e-mails with any of the volunteers on my AOL  
4 account.  
5 Q So to the extent that we have such e-mails  
6 that you communicated with Angela Scott, for  
7 example, on that e-mail account, how would you  
8 explain that?  
9 A There may have been some with Angela.  
10 Q Okay.  
11 A Well, okay. If you talk to her about a  
12 volunteer, it's been years ago since she  
13 volunteered.  
14 Q Okay. So you did -- so you did use that  
15 e-mail account to communicate with at least one  
16 volunteer; is that correct?  
17 A That's right, and I wasn't thinking of her  
18 when I said that.  
19 Q So it's possible that that e-mail account  
20 has e-mail communications that are responsive to the  
21 request, but you did not search?  
22 A No, I -- no, but I'm sure you can find it  
23 through hers.  
24 Q You did not search, did you?  
25 A For Angela Scott?

Page 168

1 A Yes.  
2 Q Do you still have that?  
3 A I do, but I wasn't aware of it until just  
4 recently.  
5 Q You communicated on your [REDACTED]  
6 account previously?  
7 A Yeah.  
8 Q Including with some of the volunteers?  
9 A I don't know if I ever e-mailed the  
10 volunteers.  
11 Q You're not sure?  
12 A I don't think I did.  
13 Q You did not check that account, whether  
14 there were any e-mails that would --  
15 A I --  
16 Q I need to finish. You did not check the  
17 [REDACTED] e-mails to see whether any e-mails  
18 would be required to be produced?  
19 A There was none. There was none on the AOL.  
20 Q Did you check?  
21 A Yes.  
22 Q When?  
23 A Well, I don't know.  
24 Q Did you check?  
25 A I don't have a computer, and so I'm not

Page 167

1 Q No, any e-mails that you might have sent or  
2 received via the [REDACTED] account, you did  
3 not search?  
4 A No.  
5 Q The [REDACTED] account, did  
6 you search that for communications that may be  
7 required to be produced in this case?  
8 A Yes, I have.  
9 Q When did you do that search?  
10 A I -- I look on my Gmail account at least  
11 every other day.  
12 Q When did you search for your past e-mails to  
13 determine whether there were communications that  
14 needed to be produced?  
15 A The only e-mails I have on there basically  
16 is from my attorneys.  
17 Q When did you search --  
18 A When did I? Okay.  
19 Q I have to finish. When did you search for  
20 your past e-mails to determine whether there were  
21 communications that needed to be produced?  
22 A Probably two weeks ago.  
23 Q When you searched, did you find the e-mail  
24 where your lawyers, your previous lawyers sent you  
25 that statement that we --

Page 169

1 A Yes.  
2 Q -- discussed? And did you find it?  
3 A Yes.  
4 Q So you have an e-mail where your attorneys  
5 attached the statement that they forwarded to the  
6 press?  
7 A Yes.  
8 Q Why was the statement not produced to us?  
9 A I don't know. I figured you probably had  
10 it.  
11 Q You figured?  
12 A Uh-huh, yeah. I mean, it was put in here  
13 and edited.  
14 Q Right, but the unedited statement, where  
15 would we have gotten it? Did you provide it to your  
16 lawyers?  
17 A No.  
18 Q The [REDACTED] account, did  
19 you use it at any time to communicate with  
20 Dr. Pernikoff at any time?  
21 A Yes.  
22 Q Why were your e-mail communications to  
23 Dr. Pernikoff not produced?  
24 A I don't know.  
25 Q The [REDACTED] account, did

Page 170

1 Q Why have you not done that?  
2 A I haven't had time.  
3 Q Why haven't you had time?  
4 A Because I've been taking care of animals. I  
5 don't have a lot of free time.  
6 Q So you haven't had time to search all your  
7 records that may be responsive to what has been  
8 requested in this case? You have not yet had time?  
9 A I had went through stuff, and I can't find  
10 some of the stuff that they're asking for. I guess  
11 it doesn't exist. It just isn't there.  
12 Q Have you communicated with Tonia Haddix via  
13 your e-mail account?  
14 A Yes.  
15 Q Did that communication include work that  
16 Tonia does as a volunteer for you?  
17 A I don't know that we talked about work.  
18 Q Right, you don't know without reviewing?  
19 A Right.  
20 Q But you have not reviewed; is that right?  
21 A Do you want me to pull it up and look right  
22 now?  
23 Q I'm asking you whether before now you have  
24 reviewed it?  
25 A I went through and looked on my e-mails.

Page 172

1 you use it at any time to communicate with  
2 representatives of the DeYoung Zoo?  
3 A I don't think so.  
4 Q But you're not sure?  
5 A I'm not a hundred percent sure.  
6 Q And you did not review your e-mail  
7 account --  
8 A I did review --  
9 Q I need to finish. You did not review your  
10 e-mail account to find out whether or not you had  
11 e-mail communications to representatives from the  
12 DeYoung Zoo; is that right?  
13 A I reviewed my e-mail account a couple weeks  
14 ago, and I did not see anything in there to DeYoung  
15 Zoo.  
16 Q How far back did you review your e-mails?  
17 A As far back as my phone would let me go.  
18 Q How far back does your phone let you go?  
19 A I don't know. It goes back so -- probably  
20 five months until you -- it quits working.  
21 Q So you have access to about five months of  
22 e-mails? And what happened to the previous e-mails?  
23 A I don't know. I guess I have to -- I  
24 probably have to go log on to somebody's computer to  
25 pull stuff out.

Page 171

1 Q Oh, you did? And you had e-mails from Tonia  
2 Haddix or that you sent to her or she sent to you?  
3 A Maybe. I'm not sure.  
4 Q What was the subject?  
5 A Chimps.  
6 Q Okay.  
7 A Chimps, chimps in general, chimps at the  
8 zoo, chimps at Save the Chimps.  
9 Q So those e-mails you did not produce?  
10 A No, I guess not.  
11 Q How about texts, have you received texts  
12 from people that relate to the chimps at the  
13 facility in terms of scheduling volunteers or buying  
14 supplies or any -- anything relating to the  
15 chimpanzees?  
16 A No.  
17 Q No texts at all?  
18 A I don't think so.  
19 Q Just e-mails?  
20 A No. Most of the -- I just talked to them on  
21 the phone.  
22 Q Right, but you did have e-mails with Tonia  
23 Haddix relating to the chimps?  
24 A Yeah, probably.  
25 Q When you previously said that attorney

Page 173

1 Batten texted you the statement that they provided  
 2 to the press, was that e-mail or text?  
 3 A I think it was e-mail.  
 4 Q Oh, okay. Since this lawsuit commenced,  
 5 have you deleted e-mails that --  
 6 A No.  
 7 Q -- you exchanged with Dr. Pernikoff or Tonia  
 8 or any of the volunteers?  
 9 A No.  
 10 Q You have not -- So all the e-mails would  
 11 have been preserved? Yes?  
 12 A Yeah.  
 13 Q Okay. Do you think you will have time in  
 14 the future to search those e-mails and provide them  
 15 to us?  
 16 A Yeah, I'll -- yes, ma'am.  
 17 Q Over the past three years have you submitted  
 18 a USDA-licensed renewal application with an annual  
 19 report listing the numbers of animals owned, held or  
 20 exhibited by you?  
 21 A Yes, I've did the application. I'm not  
 22 required to send in a list. They check it when they  
 23 come to do inspection.  
 24 Q Did you keep copies of your license renewal  
 25 application and annual report listing the number of

Page 174

1 Q I'm sorry, what envelopes?  
 2 A Any envelopes. I said damn, D-A-M.  
 3 Q Well, I'm not asking about envelopes but the  
 4 stuff that comes in the envelopes.  
 5 A It would be very seldom that something like  
 6 that -- I'm just guessing that's what happened  
 7 because I cannot find them.  
 8 Q Okay.  
 9 A But I did get copies. They e-mailed them to  
 10 me.  
 11 Q When did they e-mail them to you?  
 12 A I don't know. A couple days ago, yesterday,  
 13 day before.  
 14 Q What e-mail account were they mailed at?  
 15 A ConnieBraunCasey@gmail.  
 16 Q So you've been e-mailing with the USDA?  
 17 A No, I have not. This is the first time I've  
 18 ever e-mailed with USDA.  
 19 Q Okay.  
 20 A But because it was requested, I figured the  
 21 quickest way to get it, because I couldn't find it,  
 22 was to contact them directly. And they asked about  
 23 sending it in the mail, and I said, Can you just  
 24 e-mail it to me so I could have it to give to you in  
 25 a quicker manner than slow mail.

Page 176

1 animals owned, held or exhibited by you?  
 2 A I did keep copies.  
 3 Q Is there a reason why we don't have copies  
 4 for at least the past three years?  
 5 A I think they probably got left in the  
 6 envelope and burned with the trash. I did, however,  
 7 just contact them and ask them to send me copies of  
 8 the last three years renewal, which they did e-mail.  
 9 Q You said left in the envelope and burned  
 10 with the trash. What envelope are you referring to?  
 11 A The envelope that my license come in, a big  
 12 envelope like this size.  
 13 Q Why did it get burned with the trash?  
 14 A I don't keep my envelopes.  
 15 Q You burn it?  
 16 A Yes, I burn.  
 17 Q So there's stuff that may have come in the  
 18 mail from the USDA and it got burned with the trash?  
 19 A There's very little that comes in from the  
 20 USDA.  
 21 Q Right.  
 22 A But I can't find them. They're not in my  
 23 book, so I'm assuming that's what happened because I  
 24 don't keep all the damn envelopes that this stuff  
 25 comes in.

Page 175

1 Q When did you e-mail them to request these  
 2 documents?  
 3 A Day before yesterday.  
 4 Q The day before yesterday?  
 5 A I don't know. Maybe it was Friday.  
 6 Maybe -- I don't even know what today is. It was  
 7 probably -- I called them on Thursday and talked to  
 8 them, and then they called me back because I got the  
 9 machine. They called me back on Friday, and they  
 10 e-mailed it to me on Friday because I wanted you to  
 11 be able to have it today.  
 12 Q Great. Did you give it to your lawyers?  
 13 A I think I e-mailed it.  
 14 MS. CHAMPION: You did.  
 15 MS. BERNSTEIN: Is there a reason why we  
 16 haven't gotten it?  
 17 MS. CHAMPION: I don't know. I'll have to  
 18 ask Victor. We can take a little break and I can  
 19 find out. He's getting you copies of her calendar  
 20 too.  
 21 Q (By Ms. Bernstein) How about what records do  
 22 you have or had documenting the disposition of the  
 23 chimpanzee Joey?  
 24 A I have none.  
 25 Q Do you know that you're required to keep

Page 177

45 (Pages 174 - 177)

1 certain records about the disposition of animals?  
 2 A I am very well aware of that.  
 3 Q And why did you not keep such records with  
 4 respect to the chimpanzee Joey?  
 5 A Because Joey don't belong to me, and it's my  
 6 understanding you only have to have disposition  
 7 records of animals that I own. Plus, I was not  
 8 there when he came and got Joey.  
 9 Q When did he come and get Joey?  
 10 A It was right around Christmas.  
 11 Q I thought you said you're there almost all  
 12 the time?  
 13 A I was away picking up the produce. I do  
 14 leave to go pick up produce and come back.  
 15 Q And how long does that take?  
 16 A It depends on if I have to wait for them to  
 17 bring the produce out.  
 18 Q How long does it typically take --  
 19 A Typically --  
 20 Q I need to finish my question. How long does  
 21 it typically take for you to go pick up the produce?  
 22 How long are you away from the facility?  
 23 A Could be an hour.  
 24 Q Approximately an hour? And during what  
 25 period of time do you usually go to pick up produce?

Page 178

1 preventing it?  
 2 A Yes.  
 3 Q When you came back and you found Joey  
 4 missing, what did you do?  
 5 A I didn't realize he was missing for a while  
 6 because I was unloading produce and sorting it out.  
 7 Q Right. When you found Joey was missing,  
 8 what did you do?  
 9 A I called Andrew.  
 10 Q And what did you say?  
 11 A I said, Did you take Joey?  
 12 Q And what did he say?  
 13 A He said, Yeah.  
 14 Q Did you ask where Joey was going?  
 15 A No, I did not.  
 16 Q Do you know where Joey is?  
 17 A I do not.  
 18 Q You never asked?  
 19 A I never asked.  
 20 Q You don't care?  
 21 A I care, but if I don't know, I don't have to  
 22 tell you.  
 23 Q And why wouldn't you want to tell me?  
 24 A Because it's none of your business. It's  
 25 none of my business. Joey belongs to him. Andrew

Page 180

1 A Normally anywhere between -- it's not the  
 2 same time every day because it's whenever I can get  
 3 a break to get away, but normally it's between 3  
 4 and -- it's between 3 and 5:00.  
 5 Q So you're saying Mr. Sawyer or whoever came  
 6 to pick up the chimpanzee Joey just during that hour  
 7 when you were gone; is that what you're saying?  
 8 A Yes, I am saying that.  
 9 Q Who handed over Joey?  
 10 A I was not there. I did not hand over Joey.  
 11 Q Who was there to hand over Joey?  
 12 A Andrew at the time flew in every two weeks  
 13 and stayed two weeks taking care of Joey. He was  
 14 there at the time. He had been there two or three  
 15 days.  
 16 Q He was there for two or three days?  
 17 A Uh-huh. He might have been there a week. I  
 18 didn't write it down, but he flew in and he would  
 19 stay. He would stay during the day with Joey. He  
 20 would leave probably around 7:30, 8:00 at night, go  
 21 to his motel room, do whatever he needed, and was  
 22 normally back the next day before 8:00.  
 23 Q And there was nobody at the facility at the  
 24 time, so Mr. Sawyer could just abscond with Joey  
 25 without you knowing about it or anybody else

Page 179

1 loves that chimp and he'd die for that chimp.  
 2 Q When -- you mentioned earlier you asked  
 3 Dr. Pernikoff for his records?  
 4 A Yes.  
 5 Q You didn't ask Dr. Jones?  
 6 A I haven't asked him yet.  
 7 Q When do you plan to ask Dr. Jones for copies  
 8 of his records?  
 9 A I actually thought I'd wait until I got the  
 10 report from Dr. Doug first because Dr. Jones was  
 11 actually the secondary vet. Dr. Pernikoff was in  
 12 charge.  
 13 Q When do you expect to get records from  
 14 Dr. Pernikoff?  
 15 A I don't know. I was hoping I would get  
 16 records from him last week or the week before.  
 17 Q Did you pick up the phone to say, Where are  
 18 the records? I would really like to have them?  
 19 A I haven't.  
 20 Q So you don't know when you're going to ask  
 21 Dr. Jones for his records because that depends on  
 22 when Dr. Pernikoff --  
 23 A I can ask him today if you want me to.  
 24 Q Well, we've been asking actually for quite a  
 25 while for it. You haven't done so?

Page 181

<p>1 A No, I have not.</p> <p>2 Q Okay. Do you have photographs or videos of</p> <p>3 any of the chimpanzees?</p> <p>4 A Do I?</p> <p>5 Q Yes.</p> <p>6 A Well, of course.</p> <p>7 Q How many?</p> <p>8 A Thousands probably over the years.</p> <p>9 Q Where are they stored?</p> <p>10 A Where? Hell, I've got tons of 8-track</p> <p>11 videos and tons of pictures.</p> <p>12 Q And where are they kept?</p> <p>13 A Some of them is printed out; some of them is</p> <p>14 not. Some of them is in my camera that I don't even</p> <p>15 know where it's at. Some of them is in my phone.</p> <p>16 Q You didn't produce any of those?</p> <p>17 A You have a bunch of pictures that I sent.</p> <p>18 Q Oh, we do?</p> <p>19 A Yes, you do. They're -- well, I seen them</p> <p>20 somewhere that they were turned over to you, I think</p> <p>21 probably either with Reeg or with Dan or Mr. Clark.</p> <p>22 Q Did you give your lawyers all the</p> <p>23 photographs you have in your camera?</p> <p>24 A I don't even know where my camera is. I</p> <p>25 haven't used my camera for years.</p>	<p>1 anymore.</p> <p>2 Q You did not produce them is the question?</p> <p>3 A No.</p> <p>4 Q And you mentioned tons of pictures. Did you</p> <p>5 give those -- did you give all the pictures to your</p> <p>6 attorneys --</p> <p>7 A No.</p> <p>8 Q -- to make copies to produce those?</p> <p>9 A No. But you know, how do you -- how do I</p> <p>10 produce pictures that's been taken over 50 years?</p> <p>11 Q Do you know what APHIS Form 7002 is?</p> <p>12 A I would have to look at the number.</p> <p>13 Q Do you know that we requested it</p> <p>14 specifically?</p> <p>15 A It's in here somewhere.</p> <p>16 Q Right. You're aware we requested certain</p> <p>17 forms?</p> <p>18 A Yes.</p> <p>19 Q And what happened to those? Why did we not</p> <p>20 get those?</p> <p>21 A You got them. As far as I know, you got</p> <p>22 them.</p> <p>23 Q For the last three years dated 2018, 2017</p> <p>24 and 2016? Do you have those for 2018, 2017 --</p> <p>25 A Let me see what the file looks like.</p>
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Page 182

Page 184

<p>1 Q Did you search for your camera?</p> <p>2 A Yes, I have.</p> <p>3 Q You don't know where you kept your camera?</p> <p>4 A No, I don't.</p> <p>5 Q You can't find your camera?</p> <p>6 A I haven't -- no, I don't know where it's at.</p> <p>7 Q How hard did you look?</p> <p>8 A Hard enough.</p> <p>9 Q So you have pictures on your camera, but you</p> <p>10 have no idea where your camera is; is that right?</p> <p>11 A I haven't used my camera for probably four</p> <p>12 years.</p> <p>13 Q Right, the question is you have pictures on</p> <p>14 your camera, but you do not know where your camera</p> <p>15 is located?</p> <p>16 A Unsure.</p> <p>17 Q You don't know where your camera is located?</p> <p>18 A No, I don't.</p> <p>19 Q Okay. You have 8-track videos, but you have</p> <p>20 not produced those, have you?</p> <p>21 A No. I probably have 500 8-track things</p> <p>22 because I've been doing chimps for over 50 years.</p> <p>23 Q Right. You have not produced those?</p> <p>24 A No. Why should I produce something 50 --</p> <p>25 hell, I don't even have an 8-track to watch them</p>	<p>1 Q What has been marked as Casey Exhibit 4, you</p> <p>2 have it in front of you. On the bottom it's</p> <p>3 identified as APHIS Form 7002. Do you see that? On</p> <p>4 the bottom it says APHIS Form 7002.</p> <p>5 MS. BERNSTEIN: And APHIS is spelled</p> <p>6 A-P-H-I-S.</p> <p>7 A Oh, yeah, I see this.</p> <p>8 Q (By Ms. Bernstein) Right. And that one is</p> <p>9 dated from 2008.</p> <p>10 A Yes.</p> <p>11 Q And we asked for those --</p> <p>12 A There is none. This is the only one. You</p> <p>13 do not have to update this unless you change</p> <p>14 veterinarians. There is none for any number 2008 --</p> <p>15 well, 2008. There's none 2009, two thousand --</p> <p>16 none. I don't have to update this unless I change</p> <p>17 veterinarians.</p> <p>18 Q It has to be signed every year. Are you</p> <p>19 aware of that?</p> <p>20 A Those papers where Doug's signature, they're</p> <p>21 in here somewhere. That's what has to be signed.</p> <p>22 If you read at the top of the thing, it says,</p> <p>23 Program of veterinary care. His signature is on it</p> <p>24 all the way to 2018.</p> <p>25 Q It says here, since you're referring to it,</p>
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Page 183

Page 185

47 (Pages 182 - 185)

<p>1 "A written program of adequate veterinary care 2 between the licensee/registrant, and the doctor of 3 veterinary medicine shall be established and 4 reviewed on an annual basis."</p> <p>5 Is it your sworn testimony that this Form 6 7002 that was marked as Casey 4 was reviewed on an 7 annual basis by Dr. Pernikoff?</p> <p>8 A Yes. It's in my book right next to the 9 other forms where he signed every year. This is on 10 one page. It's in a sleeve. You pull it out and he 11 signed it.</p> <p>12 Q Did he or did he not review every year this 13 document that was marked as Casey Exhibit 4, did he 14 or did he not review it with you every single year?</p> <p>15 A We did not go over -- he seen it. It was 16 right there in the book.</p> <p>17 Q That is not my question. Did he review it 18 in 2018?</p> <p>19 A He saw it.</p> <p>20 Q That's not my question.</p> <p>21 A Okay, so when you say review, what do you -- 22 did we talk about it? Did we read over line for 23 line? Is that what you're asking me?</p> <p>24 Q It says here, It shall be reviewed.</p> <p>25 A Okay. So I would say --</p>	Page 186	<p>1 not at the house because the last time he was here 2 to do the walk-through and do the inspection I think 3 was May of '18, but if you look on those papers, 4 you'll find it.</p> <p>5 Q Did you at that time review with 6 Dr. Pernikoff the document that's been marked as 7 Casey Exhibit 4?</p> <p>8 A He's -- it was pulled out and he was -- he 9 signed it. I did not say, Okay, Doug, let's go over 10 this. Why would I do that? It's been the same 11 thing for eight years.</p> <p>12 Q Well, let's go over this. Page 1 of 4 on 13 the bottom.</p> <p>14 A Yes.</p> <p>15 Q Is that the first page of this program of 16 veterinary care?</p> <p>17 A Yes, 1 of 4. It has to be page 1.</p> <p>18 Q The next page is page 3 of 4. Where's page 19 2 of 4?</p> <p>20 A I don't know. Here is page 2 of 4.</p> <p>21 Q Page 2 of 4 --</p> <p>22 A The last one.</p> <p>23 Q The document Casey 00381. Where's page 3 of 24 4?</p> <p>25 A It's back here.</p>	Page 188
<p>1 Q Did you review it with Dr. Pernikoff in 2 2018, this document, Casey Exhibit 4?</p> <p>3 A I'm sure I did.</p> <p>4 Q You're sure?</p> <p>5 A Yes.</p> <p>6 Q So to the extent that Dr. Pernikoff said 7 he's never seen this and he doesn't recognize it and 8 he hasn't established or reviewed it with you, are 9 you saying Dr. Pernikoff is mistaken?</p> <p>10 A I'm saying he is mistaken, and to further 11 say he's mistaken, this is his writing and his 12 initial on this form.</p> <p>13 Q I am talking about whether it was reviewed 14 in 2018. If he initialed it --</p> <p>15 A Where's the other form? He only has to sign 16 the other part.</p> <p>17 Q I'm not asking about the signing. I'm 18 asking about reviewing it annually.</p> <p>19 A So then I would say it was reviewed 20 annually.</p> <p>21 Q You would say that under oath?</p> <p>22 A Yes, I would.</p> <p>23 Q When did you review it with Dr. Pernikoff 24 last?</p> <p>25 A The last time he was at the house, which --</p>	Page 187	<p>1 Q Which one?</p> <p>2 A If you read at the bottom page 3 of 4 -- on 3 my paper it's the second page.</p> <p>4 Q I have two pages 3 of 4. Which one is the 5 page 3 of 4 that you reviewed with Dr. Pernikoff?</p> <p>6 A Okay, the second page 3 of 4 is the one that 7 I had on my files for a while, and it was noted by 8 USDA that that part was not filled in, and they told 9 me the next time Doug come down to make sure I have 10 him fill that in.</p> <p>11 So the other page -- because I think it's 12 the second one -- is the page where he filled it in 13 and initialed it.</p> <p>14 Q Right. Did you tell the USDA that 15 Dr. Pernikoff was your attending veterinarian who 16 had signed this document, Casey 4?</p> <p>17 A Yes.</p> <p>18 Q And that was false?</p> <p>19 A I didn't know it was false. This is eight 20 years ago. I didn't say until recently that I 21 didn't know that this was not Dr. Doug's signature 22 if it's not.</p> <p>23 Q Right, but now you know.</p> <p>24 A Well, now that's what I hear.</p> <p>25 Q And you didn't do anything to correct this?</p>	Page 189

1 A I haven't yet.  
 2 Q And Dr. Pernikoff in fact testified  
 3 repeatedly he is not the attending veterinarian --  
 4 A Then why --  
 5 Q You need to let me finish. Dr. Pernikoff  
 6 testified repeatedly that he never was and presently  
 7 is not the attending veterinarian at the facility.  
 8 Are you aware of that?  
 9 A I'm aware of it now because of what was  
 10 said, but he knows I'm the only -- he's the only vet  
 11 besides Dr. Jones that I've used since 2018, and I  
 12 don't know where the other papers are that he signed  
 13 every year that he come that says it's the attending  
 14 veterinarian.  
 15 Q But you're aware that Dr. Pernikoff does not  
 16 consider himself the attending veterinarian?  
 17 A I was not aware of that.  
 18 Q You're currently aware of it?  
 19 A Well --  
 20 Q Right? You're currently aware of it?  
 21 MS. CHAMPION: Objection. Asked and  
 22 answered. You can answer for the third time, but  
 23 just tell her.  
 24 A I don't know what Dr. Doug thinks.  
 25 Q (By Ms. Bernstein) Right. You have not

Page 190

1 Q Did you formally retain Dr. Pernikoff --  
 2 A Yes.  
 3 Q -- in 2008?  
 4 A Yes.  
 5 Q So how do you explain that Dr. Pernikoff is  
 6 completely unaware of that?  
 7 A I think -- I think he's confused or you're  
 8 confused or maybe I'm confused.  
 9 Q Did you try to clarify the confusion with  
 10 Dr. Pernikoff?  
 11 A I haven't talked to Dr. Pernikoff like we  
 12 used to since the depositions because I didn't want  
 13 any more conflict of interest or issue. In my heart  
 14 of hearts as far as my -- Dr. Doug knows he's the  
 15 only vet I've had with the exception of the use of  
 16 Dr. Jones when it's needed.  
 17 Q So you did not try to clarify the confusion  
 18 with Dr. Pernikoff as to his status vis-a-vis the  
 19 facility; is that right?  
 20 A I guess I didn't.  
 21 Q Do you plan to do that?  
 22 A Yes, I will.  
 23 Q And when do you plan to do that?  
 24 A I don't know. I can do it this evening. I  
 25 can do it -- I'll call him as soon as I walk out of

Page 192

1 formally retained him to be the attending  
 2 veterinarian; is that right?  
 3 A Dr. Doug is still taking care of my animals.  
 4 Q That is not my question. You have not  
 5 formally retained him to be the attending  
 6 veterinarian; is that correct?  
 7 MS. CHAMPION: Objection. Vague as to what  
 8 that means but you can answer.  
 9 A Dr. Doug has never told me that he is not my  
 10 attending veterinarian.  
 11 Q (By Ms. Bernstein) Right, but you presently  
 12 know that he is not because he said so; right?  
 13 A Well, I don't care if he said so or not.  
 14 He's still the one that's coming and taking care of  
 15 my animals. So in my mind, in my heart, in my swear  
 16 to God truth he is my veterinary -- attending  
 17 veterinarian.  
 18 Q When did you formally retain him to be the  
 19 attending veterinarian? You're pointing to the page  
 20 that has a fake signature on it.  
 21 A 2008.  
 22 Q Right. That's the page that has a fake  
 23 signature on it.  
 24 A You're saying it's fake. I'm not sure it's  
 25 fake.

Page 191

1 this building.  
 2 Q Is that the plan?  
 3 A That's the plan.  
 4 Q Okay. Is there a reason you didn't do it  
 5 earlier? Do you have to think about that?  
 6 A You know what I have to think about? This  
 7 is so dam stressful. I love these animals with all  
 8 my heart, and I would like to tell you to go to hell  
 9 right now, but I won't. And I apologize for even  
 10 thinking I want to tell you that because I am not  
 11 that kind of person, but I am so stressed out, and I  
 12 love these chimps with all my heart, and you guys  
 13 are driving me crazy.  
 14 Q Do you need to take a minute?  
 15 MS. BERNSTEIN: Let's go off the record.  
 16 THE WITNESS: I need you guys just to  
 17 disappear and leave me and my chimps alone.  
 18 MS. CHAMPION: All right, Connie, let me  
 19 make a record real quick while you're taking a  
 20 minute. If you want to leave, make sure you take  
 21 your video thing off or audio thing off.  
 22 Victor brought in some documents a while ago  
 23 that we have for you, so I'm going to make a record  
 24 on providing you with these so you have them.  
 25 Okay, so we have USDA records that were

Page 193

<p>1 provided to Connie and to --</p> <p>2 MS. BERNSTEIN: Well, this is not the time</p> <p>3 to throw them across the table.</p> <p>4 MS. CHAMPION: Well, I don't mean to throw</p> <p>5 them across the table. I'm trying to hand them to</p> <p>6 you, and you sat and looked at me and didn't take</p> <p>7 them.</p> <p>8 MS. BERNSTEIN: No, just put them aside for</p> <p>9 now and make your record as to what you are going to</p> <p>10 be producing.</p> <p>11 MS. CHAMPION: Okay. And then we'll</p> <p>12 supplement these too, but I didn't want you not to</p> <p>13 have them today because these are the ones we just</p> <p>14 received in the e-mail.</p> <p>15 And then secondly, I don't know what this</p> <p>16 is, but it's a document that she's provided that has</p> <p>17 notes on it from Mitchell's, Jim Devereux.</p> <p>18 THE WITNESS: Oh, that's -- that ain't</p> <p>19 nothing.</p> <p>20 MS. CHAMPION: Let's give it to them anyway</p> <p>21 because it came in with some other things.</p> <p>22 Then we've got copies of the calendar that</p> <p>23 she brought with her today which weren't previously</p> <p>24 provided from January 2017, and we have -- what's</p> <p>25 this? Your purple notebook? Is that the purple</p>	<p>1 just take off your -- and we'll take a break. We're</p> <p>2 off the record.</p> <p>3 THE VIDEOGRAPHER: We're going off the</p> <p>4 record. The time is 2:26.</p> <p>5 (Recess)</p> <p>6 THE VIDEOGRAPHER: We're going back on the</p> <p>7 record. The time is 2:40.</p> <p>8 Q (By Ms. Bernstein) Ms. Casey, I'm handing</p> <p>9 you what's been marked as Casey Exhibit 6. Will you</p> <p>10 please have a look and tell me what this is.</p> <p>11 (Deposition Exhibit 6</p> <p>12 marked for identification.)</p> <p>13 A The rules for veterinary care.</p> <p>14 Q Do you recall this is a document you</p> <p>15 actually provided to us?</p> <p>16 A Yes.</p> <p>17 Q So you had it in your possession?</p> <p>18 A Yes.</p> <p>19 Q And it was your understanding that this</p> <p>20 document set forth the requirements for ensuring</p> <p>21 adequate veterinary care?</p> <p>22 A Yes.</p> <p>23 Q Do you see at the end of the first</p> <p>24 paragraph, toward the end of the first paragraph,</p> <p>25 there's a sentence that states, "APHIS requires each</p>
<p>Page 194</p> <p>1 notebook?</p> <p>2 THE WITNESS: Yes.</p> <p>3 MS. CHAMPION: She thinks she has already</p> <p>4 provided this, but this is the enrichment notebook,</p> <p>5 the purple notebook that she has with her today. I</p> <p>6 had him recopy those because I'm sure it's got</p> <p>7 additional things on there than they had before.</p> <p>8 And finally, there is a letter that was in</p> <p>9 her enrichment notebook to Vito that I provided</p> <p>10 dated 1/18/18. I'll give you all your stuff back.</p> <p>11 That's all we've got.</p> <p>12 MS. BERNSTEIN: How about the other stuff</p> <p>13 that we requested?</p> <p>14 MS. CHAMPION: Those are the things we have</p> <p>15 to supplement today.</p> <p>16 MS. BERNSTEIN: All right.</p> <p>17 MS. CHAMPION: I don't know if there's</p> <p>18 anything else, but we'll --</p> <p>19 MS. BERNSTEIN: Ms. Casey, do you need to</p> <p>20 take a break? Ms. Casey, do you need to take a</p> <p>21 break?</p> <p>22 THE WITNESS: No, I'm okay.</p> <p>23 MS. CHAMPION: You can if you want to.</p> <p>24 THE WITNESS: All right.</p> <p>25 MS. BERNSTEIN: If you need to take a break,</p>	<p>Page 196</p> <p>1 licensed or registered facility to establish a</p> <p>2 formal program of veterinary care. Facilities must</p> <p>3 also employ an attending veterinarian under formal</p> <p>4 arrangements detailed below to oversee the care of</p> <p>5 the animals." Do you see that?</p> <p>6 A Yes, I do.</p> <p>7 Q As far as you're aware, you never employed</p> <p>8 Dr. Pernikoff under formal arrangements; is that</p> <p>9 correct?</p> <p>10 A It was always my understanding that he was</p> <p>11 my formal attending veterinarian.</p> <p>12 Q You never employed him under formal</p> <p>13 arrangements; is that correct?</p> <p>14 A As far as I understand, it was always my</p> <p>15 understanding that he was my formal veterinarian.</p> <p>16 Q And at some point recently you learned that</p> <p>17 that is not what Dr. Pernikoff considers him to be;</p> <p>18 is that right?</p> <p>19 A It's what I've heard that he said.</p> <p>20 Q Right. Certainly Dr. Pernikoff does not</p> <p>21 consider himself to be the attending veterinarian.</p> <p>22 You're aware of that?</p> <p>23 MS. CHAMPION: She's aware you told her</p> <p>24 that. She keeps telling you she's heard it. That's</p> <p>25 all she knows. You can go ahead and answer.</p>

Page 195

Page 197

50 (Pages 194 - 197)

1 Q (By Ms. Bernstein) Well, you didn't just  
2 hear it from me; right?  
3 A Doug has never came out and told me that  
4 he's not my attending veterinarian. He may have  
5 said that in his deposition. He has never said that  
6 to me.  
7 Q You are aware that he said that?  
8 A I'm aware -- I have not read his deposition.  
9 I'm aware that other people is telling me that  
10 that's what he said.  
11 Q Right, right. And after you became aware,  
12 you did nothing to formally retain Dr. Pernikoff; is  
13 that right?  
14 A I haven't done anything.  
15 Q Right. You're aware from this document,  
16 Casey Exhibit 6, that USDA required you to employ an  
17 attending veterinarian under formal arrangements; is  
18 that right?  
19 A Yes.  
20 Q At the bottom of this first page under the  
21 heading "Specifics to check during a veterinary care  
22 program review," do you see that section?  
23 A Uh-huh.  
24 Q The USDA states as follows, quote, When  
25 conducting regular reviews of a facility's

Page 198

1 Q Did Dr. Pernikoff tell you that? What  
2 exactly did you discuss with Dr. Pernikoff regarding  
3 the facility's vaccination protocol in 2018?  
4 MS. CHAMPION: I'm going to object as  
5 compound in that there are two questions there. You  
6 weren't allowed to answer the first one. If you  
7 answer one of those questions, let her know which  
8 question you're answering.  
9 Q (By Ms. Bernstein) What exactly did you  
10 discuss with Dr. Pernikoff regarding the facility's  
11 vaccination protocol in 2018?  
12 A That we could go through and vaccinate.  
13 Q What did he say in that regard?  
14 A We discussed this is a closed compound. The  
15 chimps aren't being taken out into the public or  
16 back and forth. They're not off the property. I  
17 don't have people coming in, and I think he might  
18 have suggested vaccinations, but like I said, it's  
19 not required.  
20 Q Do you recall what he discussed in 2018  
21 regarding the vaccination protocol?  
22 A I thought I just told you that.  
23 Q You said he might have. What do you mean he  
24 might have? Did he --  
25 MS. CHAMPION: I don't understand. I'm

Page 200

1 veterinary care program, the attending veterinarian  
2 must check and discuss with the licensee or  
3 registrant the facility's vaccination protocols,  
4 parasite control program, American Veterinary  
5 Medical Association recommended methods of  
6 euthanasia, exercise program for dogs, environmental  
7 enrichment programs for nonhuman primates, and  
8 various other specific provisions. Do you see that?  
9 A Yes.  
10 Q In 2018 did you review with Dr. -- did you  
11 discuss with Dr. Pernikoff the facility's  
12 vaccination protocols?  
13 A I'm not sure if we discussed it. We usually  
14 go over my book and the signature and walk through  
15 the chimps.  
16 Q My question is -- go ahead.  
17 A I have never had a vaccination program on  
18 the primates.  
19 Q Did you --  
20 A That is not required as far as I'm -- know.  
21 Q Did you ever discuss with Dr. Pernikoff the  
22 facility's vaccination protocols?  
23 A I think we have talked vaccination  
24 protocols. As I understand it for primates,  
25 vaccinations is not required.

Page 199

1 going to object to the question. She gave you about  
2 a two-paragraph answer with one he might have also  
3 discussed this --  
4 MS. BERNSTEIN: I think he might have  
5 suggested --  
6 MS. CHAMPION: -- is that the might have,  
7 quote, reference pertained to the entire two  
8 paragraphs of answers. So I'm going to object to  
9 the question as vague and ask that you repeat it or  
10 rephrase it.  
11 Q (By Ms. Bernstein) When you said you think  
12 Dr. Pernikoff might have suggested vaccination, what  
13 do you recall in that regard in 2018? What did he  
14 suggest?  
15 A I don't think we went into detail of any  
16 additional vaccines. It was discussed rabies. Even  
17 a rabies vaccination as far as a primate, even  
18 though some people give it to them, it doesn't hold  
19 up if there's any bite or anything because there is  
20 no rabies vaccine that's developed specifically for  
21 primates.  
22 Q Is that what Dr. Pernikoff told you?  
23 A Yes, it is, ma'am.  
24 Q In 2018?  
25 A Uh-huh.

Page 201

<p>1 Q Yes?</p> <p>2 A Yes, ma'am.</p> <p>3 Q Was that the extent of the facility</p> <p>4 vaccination protocols that you discussed with</p> <p>5 Dr. Pernikoff in 2018?</p> <p>6 A Probably.</p> <p>7 Q You don't recall?</p> <p>8 A I'm thinking it is. I'm not -- I can tell</p> <p>9 you I'm not 100 percent sure, but I'm thinking</p> <p>10 that's it.</p> <p>11 Q Did you discuss with Dr. Pernikoff in 2018</p> <p>12 the facility's parasite control program?</p> <p>13 A I don't remember word for word.</p> <p>14 Q Well, I don't require you to give a</p> <p>15 word-for-word recital. Did you discuss it with him?</p> <p>16 A Yeah, I discussed that we were still doing</p> <p>17 the parasite control twice a year.</p> <p>18 Q What did you discuss in terms of what you</p> <p>19 were doing twice a year? And I'm just talking about</p> <p>20 what you discussed in 2018 about the parasite</p> <p>21 control program at the facility?</p> <p>22 A Like worming the chimps twice a year.</p> <p>23 MS. CHAMPION: Did you say worming?</p> <p>24 THE WITNESS: Worming or parasite control.</p> <p>25 Q (By Ms. Bernstein) What did he say in that</p>	<p>1 A He's not in control over my dogs.</p> <p>2 Q Did you or did you not discuss the exercise</p> <p>3 program for dogs with Dr. Pernikoff in 2018?</p> <p>4 A No, I don't think so.</p> <p>5 Q Have you ever discussed it with</p> <p>6 Dr. Pernikoff?</p> <p>7 A I don't think so. He's treated my dogs from</p> <p>8 time to time. I also use several other vets that's</p> <p>9 down there close to me, but I don't think -- because</p> <p>10 that isn't what I am required under my USDA license.</p> <p>11 Q So the answer is no, you never discussed</p> <p>12 with Dr. Pernikoff the exercise program for the dogs</p> <p>13 at the facility?</p> <p>14 A No.</p> <p>15 Q You did not?</p> <p>16 A No.</p> <p>17 Q In 2018 did you discuss with Dr. Pernikoff</p> <p>18 the environmental enrichment programs for the</p> <p>19 nonhuman primates?</p> <p>20 A Yes.</p> <p>21 Q And what precisely did you discuss with</p> <p>22 Dr. Pernikoff in 2018 with respect to that program?</p> <p>23 A The stuff that's in my book, we went over</p> <p>24 different enrichment procedures. Actually, he</p> <p>25 printed up some copies of some of the things some of</p>
Page 202	Page 204

<p>1 regard?</p> <p>2 A That it's still done twice a year.</p> <p>3 Q What did he say?</p> <p>4 A I don't recall him saying anything. He just</p> <p>5 asked.</p> <p>6 Q So he did not discuss it with you? He just</p> <p>7 asked, What do you do for parasite control?</p> <p>8 A Yeah.</p> <p>9 Q That is your recollection?</p> <p>10 A Uh-huh.</p> <p>11 Q So to the extent that Dr. Pernikoff has no</p> <p>12 recollection of ever discussing these things with</p> <p>13 you, would he be mistaken?</p> <p>14 A Would he be mistaken?</p> <p>15 Q Yes.</p> <p>16 A Possibly.</p> <p>17 Q In 2018 did Dr. Pernikoff discuss with you</p> <p>18 the American Veterinary Medical Association</p> <p>19 recommended methods of euthanasia?</p> <p>20 A I'm not sure that we discussed it.</p> <p>21 Q In 2018 --</p> <p>22 MS. CHAMPION: Did you finish your answer?</p> <p>23 THE WITNESS: Yes.</p> <p>24 Q (By Ms. Bernstein) In 2018 did you discuss</p> <p>25 with Dr. Pernikoff the exercise program for dogs?</p>	<p>1 the other institutes do.</p> <p>2 Q In 2018?</p> <p>3 A Uh-huh.</p> <p>4 Q Yes?</p> <p>5 A Yes, ma'am.</p> <p>6 Q And he gave that to you?</p> <p>7 A Uh-huh.</p> <p>8 Q Yes?</p> <p>9 A Yes, ma'am.</p> <p>10 Q Are your dogs and cats that are at the</p> <p>11 facility presently, are they vaccinated?</p> <p>12 A Yes.</p> <p>13 Q What are they vaccinated for?</p> <p>14 A The five-way -- what is it? Distemper.</p> <p>15 Whatever the five-way vaccine is and rabies.</p> <p>16 Q Who vaccinated them?</p> <p>17 A I did the five-way.</p> <p>18 Q You vaccinated the dogs?</p> <p>19 A Yes, ma'am.</p> <p>20 Q Where did you get the vaccine?</p> <p>21 A From Buchheit.</p> <p>22 Q I'm sorry?</p> <p>23 A Buchheit, which is a farm store where you</p> <p>24 buy those supplies.</p> <p>25 Q And how much does it cost?</p>
Page 203	Page 205

1 A I don't know. I think they run like \$3.75 a  
 2 vial.  
 3 Q How much -- what deworming product do you  
 4 use for the chimpanzees?  
 5 A Ivomec, Panacur and Pyrantel.  
 6 Q Can you spell those three?  
 7 A I-V-O-M-E-C. It's also called ivermectin.  
 8 Panacur is P-A-N-A-C-U-R, I think, or it might be  
 9 I-C-U-R. And Pyrantel, I don't even know how to  
 10 spell it. I can't remember. P-Y-R-E-N-T-I-L, I  
 11 guess.  
 12 Q Who told you to use those three medications  
 13 for the deworming?  
 14 A It was discussed with Doug, but back in --  
 15 Q Who told you to use this particular  
 16 medication for deworming?  
 17 A Who told me?  
 18 Q Yes.  
 19 A Dr. Doug. It would have been actually  
 20 discussed back in 2008.  
 21 Q Is that your belief?  
 22 A Yes.  
 23 Q You don't recall?  
 24 A I didn't say I didn't recall.  
 25 Q You said it would have been discussed. Do

Page 206

1 Q You're saying they're being -- chimpanzees  
 2 are dewormed twice annually?  
 3 A Yeah. Usually in January and June, and I  
 4 pick those two months because it's easy to remember.  
 5 Q You don't keep a record as to who gets  
 6 dewormed when?  
 7 A They get wormed in January and June.  
 8 Q You don't keep a record of who gets  
 9 dewormed?  
 10 A I probably -- it's -- I probably didn't  
 11 write it down.  
 12 Q How much does it cost to buy deworming  
 13 medicine for the eight chimpanzees for one  
 14 treatment?  
 15 A I have never figured out per treatment.  
 16 Q Okay. Do you buy it in bulk?  
 17 A Yes.  
 18 Q And where do you buy it?  
 19 A Buchheit.  
 20 Q How much does it cost?  
 21 A The Ivomec runs about \$37. Actually, the  
 22 Panacur come from Buchheit, and I think it was \$27.  
 23 Q So you currently -- I'm sorry, were you  
 24 finished?  
 25 A Yeah.

Page 208

1 you know that it was in fact discussed?  
 2 A It was discussed.  
 3 Q With Dr. Pernikoff?  
 4 A Yes.  
 5 Q In 2008?  
 6 A 2008, yes.  
 7 Q What was the dosage that you administered of  
 8 these medications to your chimpanzees for the  
 9 deworming?  
 10 A You know what? I don't recall.  
 11 Q How do you determine what dosage to use?  
 12 A Read it on the bottle. It tells you the  
 13 weight size on the bottles.  
 14 Q The weight? It goes by weight or by size?  
 15 A It goes by estimated weight, between this  
 16 and this.  
 17 Q Do you know what the estimated weights are  
 18 of all the chimpanzees that are currently at the  
 19 facility?  
 20 A Offhand, I don't know, but it's a wide  
 21 variety of weight. Kind of like dog -- shit --  
 22 wormers or flee things. You know, this amount is  
 23 for a dog that's 5 pounds to 12 pounds. You know,  
 24 this amount is for 15 pounds to 24 pounds. Some of  
 25 it goes from 50 to 70 pounds or over 60 pounds.

Page 207

1 Q So you currently have deworming medicine or  
 2 medication at the facility?  
 3 A I don't right now because I used the last of  
 4 it in June, and I need to buy more.  
 5 Q You don't have any receipts showing or any  
 6 other records that would show that the chimpanzees  
 7 actually were dewormed?  
 8 A No.  
 9 Q No receipts?  
 10 A No.  
 11 Q No records?  
 12 A No.  
 13 Q No deworming medication currently from the  
 14 bulk that you buy?  
 15 A The bulk is good for at least two to three  
 16 years, and so it lasts a while.  
 17 Q And you just finished it all in June, all of  
 18 it?  
 19 A Yeah.  
 20 Q All three?  
 21 A Yeah.  
 22 Q They came to an end at the same exact time?  
 23 A Yeah, pretty much because I bought it at the  
 24 same time, and yeah.  
 25 Q Approximately how many primates were at the

Page 209

1 facility in November of 2016, approximately, total  
 2 primates?  
 3 A 2016.  
 4 Q Yeah, just before the notice of intent to  
 5 sue was sent. How many did you have? More than 20?  
 6 A Yeah, probably -- I'm just guessing -- 27 --  
 7 Q Approximately.  
 8 A -- maybe.  
 9 Q Approximately. In May of 2018 your records  
 10 show that you had a total of 19 primates at the  
 11 facility. That sounds about right?  
 12 A Of when?  
 13 Q May 10, 2018, the records show there were a  
 14 total of 19 primates at the facility. Does that  
 15 sound about right?  
 16 A Yeah.  
 17 Q And presently how many primates are at the  
 18 facility?  
 19 A Eight chimps.  
 20 Q So since May 10th of this year, 11 primates  
 21 departed or died?  
 22 A Departed.  
 23 Q And do you recall that the stated mission  
 24 for MPF was to provide sanctuary for primates in  
 25 need of a, quote, "forever home," end quote?

Page 210

1 Daisy, Cooper and Coby should not be given a forever  
 2 home at the facility?  
 3 A I hope they're in a forever home now.  
 4 Q Right. But you decided at some point that  
 5 you would not give them a forever home at the  
 6 facility; is that right?  
 7 A I don't know what you mean by that.  
 8 Q Well --  
 9 A Did I let them go? Yes. Does it eat my  
 10 heart out? Yes. Do I still care about those  
 11 chimps? Yes.  
 12 Q Did you visit them?  
 13 A No, I haven't.  
 14 Q Why not?  
 15 A Because I haven't had time; not because I  
 16 didn't want to.  
 17 Q Do you plan to?  
 18 A Yes, at some -- when I get a chance, I plan  
 19 to.  
 20 Q When is the last time you spoke with any  
 21 representative of the DeYoung Zoo to find out how  
 22 Coby was doing?  
 23 A I talked to Carrie last week.  
 24 Q My question is specifically when did you  
 25 talk to somebody to find out how Coby is doing?

Page 212

1 MS. CHAMPION: I object as asked and  
 2 answered. She's asked and answered that already.  
 3 Q (By Ms. Bernstein) Do you recall that?  
 4 MS. CHAMPION: I'm going to object as asked  
 5 and answered. You can answer it again.  
 6 A Yeah.  
 7 Q (By Ms. Bernstein) And what did you mean in  
 8 terms of, quote unquote, forever home?  
 9 A It meant to keep them for their life.  
 10 Q Right. And when did you decide to abandon  
 11 that mission?  
 12 MS. CHAMPION: I'm going to object as facts  
 13 not in evidence.  
 14 A I've never decided to abandon that mission.  
 15 Shit happens. It was never my intent. Just like I  
 16 want to keep the chimps I have. It was never my  
 17 intent for PETA to step in and want to take them  
 18 away.  
 19 Q (By Ms. Bernstein) Well, PETA didn't take  
 20 Kirby, KK, Daisy, Cooper or Coby; isn't that right?  
 21 A That's correct. And at least they're in a  
 22 place where they're individualized and not someplace  
 23 where there's 200 chimps, and they have extra  
 24 attention.  
 25 Q So at some point you decided that Kirby, KK,

Page 211

1 A Last week.  
 2 Q What did you say to her and what did she say  
 3 to you with respect to Coby?  
 4 A Actually, I didn't go individualized. I  
 5 asked how my kids are doing.  
 6 Q When do you plan to go visit them?  
 7 A Whenever I get a chance. Maybe when all  
 8 this shit is over with.  
 9 Q Is there a need for you to use profanity?  
 10 A I don't know. I guess there's not a need,  
 11 but you know what? It is what it is.  
 12 Q We would request that perhaps you refrain  
 13 from profane language.  
 14 A Okay.  
 15 Q If you can.  
 16 A You think "shit" is profane?  
 17 MS. CHAMPION: I was just thinking the same  
 18 thing. I was wondering the same thing. I didn't  
 19 think it was profane, but that's okay.  
 20 Q (By Ms. Bernstein) How about foul language?  
 21 We request that foul language won't be used. All  
 22 right.  
 23 So when did you decide -- when did you first  
 24 discuss that Kirby, KK, Daisy, Cooper and Coby would  
 25 not get a forever home at the facility?

Page 213

1 A It was never discussed that they wouldn't  
 2 get a permanent home.  
 3 Q Well, didn't you at some point have  
 4 discussions that you would give them away if you  
 5 couldn't take care of them? Wasn't that the  
 6 discussion that you had?  
 7 A That's not saying they ain't going to a  
 8 permanent home.  
 9 Q You said that what you mean in terms of,  
 10 quote unquote, forever home is it meant to keep them  
 11 for their life. You did not keep them for their  
 12 life; is that right?  
 13 A I guess not.  
 14 Q When did you discuss that you would no  
 15 longer or did not intend to keep them for their  
 16 life?  
 17 A I never decided that I didn't want to keep  
 18 them for the rest of their life. I decided that  
 19 they could go to make things a little easier for me  
 20 and the fact that they could give them a permanent  
 21 home.  
 22 MS. CHAMPION: But remember her question was  
 23 when did you first discuss --  
 24 MS. BERNSTEIN: I'll follow up if I don't  
 25 like the answer.

Page 214

1 Q (By Ms. Bernstein) At the time you gave  
 2 Kirby, KK and Daisy to the DeYoung Zoo, you did not  
 3 confirm that with the board, did you, with the board  
 4 of directors of --  
 5 A We did not have -- sorry, you can finish.  
 6 Q Right. The entity called MPF was not yet  
 7 dissolved in December of 2016 when Kirby, KK and  
 8 Daisy were transferred; right?  
 9 A No.  
 10 Q But you did not confirm with the board that  
 11 it was okay for them to be transferred; is that  
 12 right?  
 13 A We never had a board meeting. It was talked  
 14 about informally, and it was my decision ultimately  
 15 to place them somewhere where they would have  
 16 hopefully a forever home and somebody that loved  
 17 them.  
 18 Q What, if anything, did you discuss in terms  
 19 of whether those chimpanzees who went to the DeYoung  
 20 Zoo would stay there forever?  
 21 A We did -- Carrie and I did talk about it;  
 22 they wanted.  
 23 Q What exactly was discussed about how long  
 24 they would have that -- a home there?  
 25 A As long as they were in existence, they

Page 216

1 MS. CHAMPION: Nonetheless, nonetheless, the  
 2 question was when.  
 3 A Okay. It was the end of '15, early 19 --  
 4 '16.  
 5 Q (By Ms. Bernstein) So at that point you did  
 6 not intend to keep Kirby, KK, Daisy, Cooper and Coby  
 7 for life?  
 8 A It was never my intent not to keep them for  
 9 life. It was just a matter of what happened.  
 10 Q Right. So at that point when you had those  
 11 discussions, you did not intend to give Kirby, KK,  
 12 Daisy, Cooper and Coby away?  
 13 A I did what I felt was good for the chimps.  
 14 Q Right. But the discussions you had in 2015  
 15 and 2016 before December it was not your intention  
 16 to give those animals away? The intention was to  
 17 keep them and give them a forever home at the  
 18 facility?  
 19 A That's what I --  
 20 MS. CHAMPION: I'm going to object as vague.  
 21 I think it's just the opposite of what you just  
 22 said, but maybe I didn't follow it, so if you  
 23 understand it, you can tell her.  
 24 A I just did what I felt was best for the  
 25 chimps.

Page 215

1 would be there.  
 2 Q What if they couldn't take care of them like  
 3 you apparently at some point felt the need to get  
 4 rid of them? What would happen then?  
 5 A I never felt the need. I felt like it was  
 6 the best interest of the chimps, and it wasn't the  
 7 need that they had to go. It was to make things  
 8 easier.  
 9 Q Why was it in the best interest of the  
 10 chimps to go to DeYoung Zoo as opposed to staying at  
 11 the facility?  
 12 A It would make things a little bit easier for  
 13 me, and they were building a new facility for them.  
 14 Q Earlier this year you sold a number of your  
 15 primates to a dealer for profit; is that right?  
 16 A I don't know if you would call it for  
 17 profit. I didn't get a profit out of it.  
 18 Q How much did you receive from the sale of  
 19 primates earlier this year?  
 20 A 5000.  
 21 Q Why did you decide to sell them to a dealer  
 22 as opposed to sending them to an accredited  
 23 sanctuary?  
 24 A Because I wanted to keep them in a private  
 25 sector where there wasn't hundreds of animals to

Page 217

<p>1 take care of and they could get individualized 2 attention.</p> <p>3 Q Where are they presently kept?</p> <p>4 A Tonia's got them.</p> <p>5 Q What's the location?</p> <p>6 A I have no idea.</p> <p>7 Q You sent the chimpanzees to somebody without 8 knowing where they are kept?</p> <p>9 A I didn't send the chimpanzees there.</p> <p>10 Q The primates were sent, and you didn't ask 11 where they would be kept?</p> <p>12 A No, I didn't.</p> <p>13 Q Did you find out how they would be kept?</p> <p>14 A I talked to her about the facilities, and 15 I've seen some pictures.</p> <p>16 Q You've seen pictures of the facilities?</p> <p>17 A Uh-huh.</p> <p>18 Q You didn't go visit the facility ahead of 19 time?</p> <p>20 A No, I did not.</p> <p>21 Q Why not?</p> <p>22 A Because I didn't.</p> <p>23 Q Right, but why didn't you?</p> <p>24 A I didn't have time.</p> <p>25 Q How do you know they're getting</p>	<p>1 private individual they're going to have more 2 attention than they are in a sanctuary that's got 3 3 or 400 animals.</p> <p>4 Q Well, doesn't it depend on how many staff 5 one has per animal?</p> <p>6 A How many do you think -- how many you think 7 places that's got 300 has per animal?</p> <p>8 Q My question is doesn't the amount of 9 individualized attention depend on how much staff 10 per animal is available?</p> <p>11 A Maybe.</p> <p>12 Q And you don't know how many staff is 13 available per animal at Tonia's facility; is that 14 right?</p> <p>15 A That's right.</p> <p>16 Q And you don't know how much staff is 17 available per animal at the DeYoung facility?</p> <p>18 A No, I don't.</p> <p>19 Q How long is Tonia expected to keep the 20 animals that you sold to her?</p> <p>21 A I don't know.</p> <p>22 Q So it might be that they haven't been placed 23 in a forever home?</p> <p>24 A I -- I've seen pictures of the animals, 25 and ...</p>
<p style="text-align: right;">Page 218</p> <p>1 individualized attention?</p> <p>2 A Because she's got primates of her own, and 3 she takes good care of them.</p> <p>4 Q Well, she's presently at your facility; 5 right?</p> <p>6 A Hmm?</p> <p>7 Q She's presently at your facility?</p> <p>8 A She is.</p> <p>9 Q Who's taking care of the primates at Tonia's 10 facility?</p> <p>11 A I guess her keeper is.</p> <p>12 Q How much staff does she have?</p> <p>13 A I have no idea. And some of her primates 14 are at my house now because she brings them with her 15 when she comes.</p> <p>16 Q So you don't know how much staff she has at 17 her facility?</p> <p>18 A No, I don't.</p> <p>19 Q Do you know how many animals she has -- how 20 many primates she has at her facility?</p> <p>21 A I do not.</p> <p>22 Q How do you know they're getting 23 individualized attention if you don't know how many 24 people take care of how many animals?</p> <p>25 A You know what? Wherever they go in a</p>	<p style="text-align: right;">Page 220</p> <p>1 Q But they have not been placed in a forever 2 home?</p> <p>3 A I don't know.</p> <p>4 Q So the dealer to whom you sold these animals 5 could sell them to another facility?</p> <p>6 A I guess she could.</p> <p>7 Q How is Cooper presently housed?</p> <p>8 A You'll have to talk to DeYoung Zoo.</p> <p>9 Q Who is Cooper housed with?</p> <p>10 A You'll have to talk to DeYoung Zoo.</p> <p>11 Q Who takes care of Cooper?</p> <p>12 A You'll have to talk to them.</p> <p>13 Q What kind of food does Cooper get?</p> <p>14 A You'll have to talk to them because I don't 15 know.</p> <p>16 Q What kind of enrichment does Cooper get?</p> <p>17 A You'll have to talk to them.</p> <p>18 Q Does Cooper currently get any kind of 19 preventive veterinary care?</p> <p>20 A You'll have to talk to them.</p> <p>21 Q What is the size of Cooper's enclosure?</p> <p>22 A I don't know. You'll have to talk to them.</p> <p>23 Q Does Cooper get access to the outdoors?</p> <p>24 A I don't know. You'll have to talk to them.</p> <p>25 Q Would the answer be the same if I asked for</p>

Page 219

Page 221

56 (Pages 218 - 221)

<p>1 Kirby, Daisy, KK or Coby?</p> <p>2 A I'm sure, yes.</p> <p>3 Q Can you identify anything about placing the chimpanzees at the DeYoung Zoo that was better for 4 the chimpanzees than if they had been placed in one 5 of the accredited sanctuaries that you visited with</p> <p>6 7 Dr. Pernikoff?</p> <p>8 A Can I identify anything?</p> <p>9 Q Yes, anything that you actually know is 10 better at the DeYoung Zoo?</p> <p>11 A Only that they would have more personalized, 12 hands-on, one-on-one attention that they're used to 13 having.</p> <p>14 Q How much percentage of the day do these 15 chimpanzees at the DeYoung Zoo get personalized, 16 hands-on --</p> <p>17 A You'll have to talk to them.</p> <p>18 Q Well, if you don't know, how do you know 19 that they have more than they are getting someplace 20 else?</p> <p>21 A I'm just going by how much attention does 22 200 chimps get hands on, one on one, every day at a 23 large sanctuary. These animals are in a place where 24 they love these chimps as individuals, not just more 25 chimps to get more funding and more money.</p>	<p>1 A If you're talking every time somebody goes 2 in or out or walks by or says hi, that would be -- 3 it's really hard. I would say six hours.</p> <p>4 Q Six hours of individualized, hands-on 5 attention for Tonka. How about Tammy, how much --</p> <p>6 A Excuse me.</p> <p>7 Q -- individualized -- I'm talking now not you 8 walk by because you're doing things that -- you 9 know, feeding that I'm sure other sanctuaries would 10 be feeding the animals, but what individualized, 11 hands-on attention does Tammy get over the course of 12 an ordinary day?</p> <p>13 A Okay, so every time you go in you're either 14 saying hi or playing chase or doing tickle. It 15 doesn't matter if I'm hosing the cage or taking a 16 bucket of food, I still stop and say hi. The other 17 people there will stop and say hi. And they don't 18 just stop and say, Oh, hi, Tonka. How are you 19 doing? Hi, Tammy. I'm going to get you. Let's 20 play chase. You go to the next one and do the same 21 thing, so I don't know how to answer that question.</p> <p>22 Q You don't know how much personalized 23 hands-on attention they get?</p> <p>24 MS. CHAMPION: I object as asked and 25 answered.</p>
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Page 222

Page 224

<p>1 Q When you say hands-on attention, what 2 exactly does that mean in your view?</p> <p>3 A My view?</p> <p>4 Q Right.</p> <p>5 A Tickle, play, chase.</p> <p>6 Q How much hands-on attention does Tonka get 7 over the course of an ordinary day?</p> <p>8 A That's hard to say because they get a lot of 9 attention.</p> <p>10 Q Approximately, and I'm just talking about 11 Tonka, you know, because you make the point about 12 individuals, individualized attention, hands-on 13 individual, so taking Tonka the individual, over the 14 course of an ordinary day, how much hands-on 15 attention does Tonka get?</p> <p>16 A Every time you walk in and out of the 17 building you're talking to him, tickling, chasing. 18 He likes to stick out his tongue. He likes for you 19 to mess with his tongue.</p> <p>20 Q Roughly between -- you said you're there 21 between I think 7:30 in the morning to 9 or roughly?</p> <p>22 A All right, but --</p> <p>23 Q How much time during that period of time do 24 you devote to giving individual, personalized, 25 hands-on attention to Tonka?</p>	<p>1 A I don't know how to answer the question.</p> <p>2 Q (By Ms. Bernstein) Are you going to 3 demonstrate tomorrow during the inspection what you 4 do in the ordinary course?</p> <p>5 A You know what? I will try to display -- 6 those chimps are not going to act the same with 7 other people there, and if they're displaying and 8 acting up, then I'm not sticking my hands in the 9 cages.</p> <p>10 Q Are you going to demonstrate during the 11 inspection tomorrow what you do in the ordinary 12 course of your day?</p> <p>13 A It depends on the chimps. It depends on how 14 the chimps are acting. It depends on how the people 15 are acting.</p> <p>16 Q Right. They typically are very appreciative 17 of visitors, aren't they?</p> <p>18 A No, they are not. They don't like 19 strangers.</p> <p>20 Q They don't?</p> <p>21 A No, they do not.</p> <p>22 Q I thought they enjoyed visitors?</p> <p>23 A They do not like visitors. They do not like 24 strangers; we'll put it that way.</p> <p>25 Q Right, right.</p>
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Page 223

Page 225

57 (Pages 222 - 225)

1 THE VIDEOGRAPHER: Excuse me.  
 2 (Discussion off the record.)  
 3 Q (By Ms. Bernstein) So to the extent that  
 4 people previously would come visit the facility, it  
 5 is your understanding that that was not welcomed by  
 6 the chimpanzees? They did not enjoy that?  
 7 A When people visited, it was from the outside  
 8 looking through the glass. They did not walk into  
 9 their home, their bedroom, their territory.  
 10 Q So tomorrow you may not demonstrate for us  
 11 what you do in the ordinary course because --  
 12 A If you walk in, you better wear something  
 13 that you're comfortable with and something that you  
 14 don't have to worry about getting bedding down your  
 15 shirt or your underwear because they're going to be  
 16 throwing bedding at you. They may spit at you.  
 17 Q So is that a yes or a no to my question?  
 18 A It depends on the chimps, and it depends on  
 19 how they react to the people.  
 20 Q Do you know why the chimpanzee Joey was  
 21 transferred away from your facility?  
 22 A My only concern or my thought, my thought is  
 23 to try to protect him.  
 24 Q Protect him from what?  
 25 A PETA.

Page 226

1 times he had five cages.  
 2 Q At any time was he able to touch or be  
 3 touched by another chimpanzee?  
 4 A Oh, yes.  
 5 Q Which chimpanzee could touch him in --  
 6 A Depends on who was next to him. There was  
 7 actually times when we moved one of the smaller  
 8 girls in with him so he could play, but the girls  
 9 were scared of him, so that didn't work out real  
 10 well.  
 11 But my facility is fixed up to where at  
 12 different times I would bring in Candy so she could  
 13 interact with him through the mesh. There was times  
 14 when he was next to Tonka. Just because I rotate  
 15 the chimps around at different times, he was next  
 16 to --  
 17 MS. CHAMPION: I thought we were talking  
 18 about Tonka. Who are we talking about?  
 19 THE WITNESS: She's talking about Joey.  
 20 Q (By Ms. Bernstein) You said through the  
 21 mesh. Could they groom each other through the mesh?  
 22 A Oh, yeah.  
 23 Q So they were able to engage in grooming  
 24 relationships through the mesh?  
 25 A Sure.

Page 228

1 Q Did you discuss that with Mr. Sawyer?  
 2 A Moving Joey? No.  
 3 Q Did you not say, Why did you remove Joey?  
 4 A You know what? I didn't because I know in  
 5 Andrew's heart he would do anything to protect that  
 6 chimp.  
 7 Q Did you not ask, Are you bringing Joey back?  
 8 A No.  
 9 Q Did you say, What is your intention with  
 10 respect to Joey?  
 11 A No.  
 12 Q Did you ask him for the information that you  
 13 needed to have for your records for the USDA?  
 14 A No.  
 15 Q Before Joey was transferred from the  
 16 facility, where was he housed?  
 17 A At the facility?  
 18 Q Where in the facility was Joey housed before  
 19 he was transferred?  
 20 A There's a room under my deck, and then  
 21 there's a small connecting enclosure next to that,  
 22 and then the other room is under the kitchen. And  
 23 then there's a tunnel that goes across into another  
 24 room and can go out, and so at different times he  
 25 was in one, two, three, four, five -- at different

Page 227

1 Q How did that work? What kind of grooming  
 2 would take place through the mesh?  
 3 A Touching, kissing, backing up, grooming.  
 4 Sometimes they would stick their fingers through and  
 5 let each other groom their fingers.  
 6 Q Do you have photographs of that?  
 7 A I don't know if I do or not.  
 8 Q Do you have photographs of Joey in his  
 9 enclosure?  
 10 A I don't -- I might.  
 11 Q But you didn't check?  
 12 A Andrew took -- because when Andrew was  
 13 there, Andrew took most of the pictures of Joey.  
 14 Q Did he send you pictures that he took?  
 15 A No.  
 16 Q You didn't check if you had any?  
 17 A Huh?  
 18 Q You didn't check to see if you had any?  
 19 A Any pictures of Joey?  
 20 Q Yes.  
 21 A I'm sure I probably do have some pictures of  
 22 Joey.  
 23 Q Were you aware that Joey supposedly had  
 24 severe allergic reactions?  
 25 A Yes.

Page 229

1 Q And were you aware that those reactions were  
 2 unpredictable and sometimes quite serious?  
 3 A Yes.  
 4 Q Did you have any veterinarian ever check in  
 5 with Joey with respect to his severe allergic  
 6 reactions?  
 7 A Doug was there.  
 8 Q Well, Doug was on the premises. We've  
 9 established that Dr. Pernikoff stepped foot on the  
 10 premises. My question is did you have any  
 11 veterinarian check with Joey with respect to his  
 12 allergic reactions?  
 13 A Doug has been there when Andrew was there  
 14 with Joey. Joey did not have any kind of a  
 15 reaction. I should back that up. I think he did  
 16 have a reaction one time, and Andrew contacted Doug  
 17 and talked to him about it, and I don't remember  
 18 what Doug has subscribed, but he did subscribe  
 19 something for Joey. And Doug has actually been in  
 20 the cage with Joey.  
 21 Q So to the extent that Dr. Pernikoff  
 22 testified that he had no veterinarian relationship  
 23 with Joey whatsoever, he would be mistaken?  
 24 A I think he's mistaken.  
 25 Q Did you keep an EpiPen at the facility for

Page 230

1 house.  
 2 Q Right, but what the risk factors were that  
 3 could cause him to have seizures?  
 4 A I am not sure.  
 5 Q Did you ever discuss with Mr. -- with  
 6 Dr. Pernikoff what should be done in the event or to  
 7 prevent Joey from having seizures?  
 8 A I didn't. I just, you know, talked to  
 9 Andrew what to do in case Joey wasn't acting right,  
 10 and he had -- when Joey came, he brought medication  
 11 with him.  
 12 Q What medication?  
 13 A I'm not sure.  
 14 Q Did you administer the medication?  
 15 A No. It was something in case he had some  
 16 kind of adverse reaction.  
 17 Q And it was your understanding that it could  
 18 be a potentially fatal adverse reaction?  
 19 A Andrew told me there was a couple times when  
 20 Joey had a very serious reaction.  
 21 Q How long was Joey at the facility?  
 22 A Oh, man, I can't remember for sure, but I'm  
 23 guessing between three and four years. It's  
 24 probably on my USDA thing.  
 25 Q Do you agree that an appropriate plan for

Page 232

1 Joey?  
 2 A Yes.  
 3 Q Where was that kept?  
 4 A In the refrigerator.  
 5 Q Which refrigerator?  
 6 A The chimp's refrigerator downstairs.  
 7 Q And where did you get that EpiPen?  
 8 A Andrew brought it.  
 9 Q And it came with instructions?  
 10 A Uh-huh.  
 11 Q Do you know how to use it?  
 12 MS. CHAMPION: Was that a yes?  
 13 THE WITNESS: Yes.  
 14 Q (By Ms. Bernstein) Do you know how to use  
 15 it?  
 16 A I've never used it.  
 17 Q Do you know how to use it?  
 18 A I read the directions in case I needed to,  
 19 but I've never had to use it.  
 20 Q Did Joey ever have an epileptic seizure  
 21 while Mr. Sawyer was not there?  
 22 A No.  
 23 Q Do you know what caused Joey's seizures,  
 24 what would bring it on?  
 25 A No, he didn't have one when he was at my

Page 231

1 enrichment is essential to protect the psychological  
 2 well-being of captive primates?  
 3 A Yes.  
 4 Q And do you agree that an inadequate plan of  
 5 enrichment can cause harm to captive primates?  
 6 MS. CHAMPION: I'm going to object as  
 7 calling for speculation. You can answer. Also  
 8 foundation.  
 9 A You know, I think each, each chimp is  
 10 individual, and I don't think one plan covers all  
 11 chimps.  
 12 Q (By Ms. Bernstein) Right. And if the plan  
 13 is not adequate for that particular chimp, could  
 14 that cause harm to that chimp?  
 15 MS. CHAMPION: Same objection. Foundation;  
 16 speculation.  
 17 A I'm not sure what you're even calling an  
 18 inadequate plan.  
 19 Q (By Ms. Bernstein) Well, you said you agree  
 20 that a plan for enrichment is essential to protect  
 21 the psychological well-being of captive primates,  
 22 and my question is, if that plan is inadequate,  
 23 could it harm the primate?  
 24 MS. CHAMPION: Object as asked and answered.  
 25 Also, same objection; speculation and foundation.

Page 233

1 You can answer.  
2 A You know, I'm still not sure how to answer  
3 that question because I think it's all  
4 individualized, and one chimp may require a lot more  
5 socialization than the other. I think wild chimps  
6 versus captive chimps are a lot different, and I  
7 think that the most basic thing is that they have  
8 other chimps to interact with and play with and  
9 groom and tickle, and the chimps at the facility  
10 have all that.  
11 Q (By Ms. Bernstein) So the individual  
12 hands-on treatment from a human is not as important  
13 as having other chimps to play with? Is that what  
14 you're saying?  
15 A It depends on the chimp. I think if the  
16 chimp grows up in a family setting or a human  
17 setting that they still require that hands-on from  
18 humans, but they also need their own interaction  
19 with their own kind.  
20 Q Did Kimmy have a different plan from Tammy,  
21 for example, when it came to her plan of enrichment?  
22 A Kimmy's?  
23 Q Yes. Was it different? You said not one  
24 plan covers all primates, and my question is did you  
25 have a different plan for Kimmy than for Tammy, for

Page 234

1 this chimp, this one for this chimp, this one for  
2 this. I'm the one that was there all the time  
3 taking care of them every day.  
4 Q Is there a plan that Dr. Pernikoff directed  
5 for all of the chimps that are currently at the  
6 facility?  
7 A You know what? I think you have copies of  
8 all the things that Dr. Pernikoff sent. I know that  
9 they copied it and sent it to you.  
10 Q But to the extent that Dr. Pernikoff  
11 testified he's never seen a plan of enhancement,  
12 would he be mistaken?  
13 A He would be mistaken because he sent them to  
14 me. It would have -- they were printed out on his  
15 printer and given to me. At the top of the page it  
16 would have Pernikoff something.  
17 Q Really?  
18 A Yes.  
19 Q We would really love to see that.  
20 A I'm sure you have it.  
21 MS. CHAMPION: She does.  
22 MS. BERNSTEIN: We don't.  
23 A Yes, you do. I feel 99 percent certain that  
24 you do.  
25 Q (By Ms. Bernstein) All right.

Page 236

1 example?  
2 A You know what? They all could interact with  
3 the other chimps. I would say Kimmy's was a little  
4 bit different because Kimmy had grew up with another  
5 chimp that she looked at as her baby, and so that  
6 plan of interaction was a lot different than  
7 Tammy's.  
8 Q So you have different plans for different  
9 chimpanzees?  
10 A Well, basically they have a lot of the same  
11 things. Sometimes other ones get special treatment  
12 or special enrichment.  
13 Q Are you aware that USDA regulations require  
14 that a plan of environment enhancement to promote  
15 psychological well-being must be, quote, "directed  
16 by the attending veterinarian," end quote?  
17 A Probably. I think I'm aware of that. Doug  
18 and I have discussed. He sent extra enrichment  
19 items or lists of things to do.  
20 Q Do you have a plan of environment  
21 enhancement that was directed by Dr. Pernikoff?  
22 A Just paperwork and booklets on suggestions.  
23 Q What is the plan of environment enhancement  
24 that Dr. Pernikoff directed for Tonka?  
25 A He didn't -- he didn't specify this plan for

Page 235

1 MS. BERNSTEIN: Can we mark this as the next  
2 exhibit in order, please.  
3 (Deposition Exhibit 7  
4 marked for identification.)  
5 Q (By Ms. Bernstein) I'm handing you what's  
6 been marked as Casey Exhibit 7. Can you tell me  
7 what this is?  
8 A Environmental enrichment program that was  
9 written up.  
10 Q Is that the program that was directed --  
11 that you claim was directed by Dr. Pernikoff?  
12 A No.  
13 Q There was something else?  
14 A No, there's -- it's a stack and two or three  
15 different information or booklets of stuff with --  
16 Q Let me ask you this. What does the  
17 program -- what did Dr. Pernikoff direct in terms of  
18 the plan of environment enhancement for the  
19 chimpanzees? What did he direct should happen?  
20 What was his direction?  
21 A You're talking about like the enrichment as  
22 far as giving them treats, giving them -- I would  
23 give them toothbrushes. We give them hair brushes.  
24 I give them dolls. We blow bubbles. We do music  
25 therapy.

Page 237

60 (Pages 234 - 237)

1 Q Before you list what you do, my question is  
 2 what does the plan of environment enhancement  
 3 provide or require you to do that was directed by  
 4 Dr. Pernikoff? What does that plan provide? What  
 5 does it require?  
 6 A Okay, so what he sent was different things  
 7 with different enrichment ideas, like different  
 8 puzzle feeders, and one of the things we talked  
 9 about was moving some of the enrichment items like  
 10 tires from this spot and putting them over here or a  
 11 rope from here and putting it there and moving  
 12 things around like that.  
 13 Q And that's what the plan provided that  
 14 Dr. Pernikoff directed you to do?  
 15 A That's one of the things we talked about.  
 16 It's not written.  
 17 Q There is no written plan of environment  
 18 enhancement that was directed by Dr. Pernikoff?  
 19 A Just stuff that we talked about. Nothing  
 20 that --  
 21 Q I'm very specific in my question.  
 22 A Okay.  
 23 Q Did Dr. Pernikoff -- or do you have a plan,  
 24 a written plan of environment enhancement that was  
 25 directed by Dr. Pernikoff?

Page 238

1 A I'm not sure what you mean as directed.  
 2 Q You don't know what it means to receive  
 3 directions?  
 4 A He come in and said, okay, this here, you do  
 5 this and you do this; is that what you're saying?  
 6 Q Yeah.  
 7 A No. We just went over it, talked about it.  
 8 Q You actually said you showed this, Exhibit  
 9 7, to Dr. Pernikoff?  
 10 A He saw it. It was all in my book.  
 11 Q I'm not asking where it was. Are you saying  
 12 Dr. Pernikoff actually saw this Exhibit 7?  
 13 A Yes, I'm sure he did.  
 14 Q Why are you sure he did?  
 15 A Because for God's sake he came down every  
 16 year for the last ten years.  
 17 Q So how do you explain that he said he never  
 18 saw this?  
 19 A I don't know how he said he never -- I don't  
 20 know if he signed the thing and didn't read it. It  
 21 was right there in front of him.  
 22 Q That's not his signature, he said. So why  
 23 are you saying he signed it when that's not his  
 24 signature? You know that's not his signature.  
 25 A I don't know that it's not his signature.

Page 240

1 A No. If you're talking about something that  
 2 we sat down and wrote out together, no. This  
 3 here --  
 4 Q I'm specifically asking you whether  
 5 Dr. Pernikoff ever directed a specific plan of  
 6 environment enhancement for you to follow with  
 7 respect to the chimpanzees that was in writing?  
 8 A Not in writing.  
 9 Q Presently do you have a written plan of  
 10 environment enhancement directed by any  
 11 veterinarian?  
 12 A This here.  
 13 Q You're touching Exhibit 7?  
 14 A Yes.  
 15 Q Which veterinarian directed this particular  
 16 environmental enrichment program that was marked as  
 17 Exhibit 7?  
 18 A Actually, this here has been written up for  
 19 quite a while because it was back when we had other  
 20 chimpanzees and stuff. But this has been written  
 21 over or gone over with Dr. Doug, but it was also  
 22 what we used when Dr. Eldridge was my veterinarian.  
 23 Q Did Dr. Pernikoff direct this program? Did  
 24 Dr. Pernikoff ever direct this program of veterinary  
 25 care that's marked as Exhibit 7?

Page 239

1 I've always thought this was his signature, and you  
 2 can see right here from the top, this is the part  
 3 I'm talking about, that looks like it had been  
 4 faxed. It's cut off or whited out or something.  
 5 Q Well, we didn't get the top. We don't have  
 6 it. On the bottom it says 2008/03/25, 14:50, which  
 7 is supposedly the date of the fax. Would that be  
 8 correct?  
 9 A That would be probably correct, and that's  
 10 my old fax number. I don't have a fax machine  
 11 anymore. So I think it had to have been faxed to  
 12 Dr. Doug's office. If he didn't sign it, I'm not  
 13 aware that he did not sign it.  
 14 Q How about you faxed this page to somebody?  
 15 A I think it was faxed to Dr. Doug's office  
 16 for Dr. Doug to sign.  
 17 Q It has your fax number?  
 18 A Yeah, because it was faxed from my house to  
 19 his.  
 20 Q How come we only have page 6 of this fax?  
 21 What happened to the other pages, like a cover page?  
 22 A You know what? I think these were faxed the  
 23 same day. What does it say? 3/25/08. This was  
 24 done -- that doesn't say. This says 3/27/08.  
 25 But --

Page 241

1 Q There are no fax pages. The only fax  
 2 page we -- I know, you're showing me some smudges.  
 3 We didn't receive a copy of what it supposedly said  
 4 on top.  
 5 A Okay. I don't know what to tell you. I'm  
 6 thinking --  
 7 Q When --  
 8 A I'm thinking these were all probably faxed  
 9 at the same time.  
 10 Q Well, Dr. Pernikoff said he's never seen  
 11 this in his life and this is not his signature. Are  
 12 you surprised by that?  
 13 A Yes, I am. I'm a hundred percent surprised.  
 14 Q Did you discuss it with him?  
 15 A I have not.  
 16 Q Do you have an understanding why he would  
 17 have never seen it and you believe you have shown it  
 18 to him?  
 19 A No, I have no clue. I have no clue.  
 20 Q Is it your sworn testimony that  
 21 Dr. Pernikoff directed this particular environment  
 22 enhancement program that's marked as Exhibit 7?  
 23 A I don't know -- when you say the word  
 24 direct, I know he's went over this of stuff that we  
 25 do, and we talked about it.

Page 242

1 Q Well, that's my question. Did you?  
 2 A No, I don't think we talked about it every  
 3 year when he was here.  
 4 Q When is the last time you discussed it with  
 5 Dr. Pernikoff?  
 6 A I don't know.  
 7 Q You don't have an approximate recollection  
 8 of when --  
 9 A I don't know.  
 10 Q I'm sorry. You don't have an approximate  
 11 recollection of when you last discussed it with  
 12 Dr. Pernikoff?  
 13 A No. You know what? I don't know. If I  
 14 could find those other papers that he gave to me,  
 15 I'm sure it's got a date on the bottom. It was  
 16 probably all at the same time.  
 17 Q Are you aware that the USDA regulations  
 18 require that a plan of environment enhancement,  
 19 quote, "must be in accordance with the currently  
 20 accepted professional standards," end quote?  
 21 A Yes.  
 22 Q And you said this has been followed since at  
 23 least 2008?  
 24 A Yes.  
 25 Q So this is over ten years old?

Page 244

1 Q He went over this?  
 2 A Yeah, I'm sure he did.  
 3 Q When did he go over this with you?  
 4 A You know what? This program has been in  
 5 place since 2008.  
 6 Q When did Dr. Pernikoff go over this?  
 7 MS. CHAMPION: Did you finish your answer?  
 8 THE WITNESS: Huh?  
 9 MS. CHAMPION: Did you finish your answer?  
 10 She keeps interrupting.  
 11 THE WITNESS: I don't know. She's confusing  
 12 me.  
 13 MS. CHAMPION: Go ahead and tell her your  
 14 answer. Don't let her interrupt you because she  
 15 cuts you off.  
 16 A I'm not -- I don't know.  
 17 Q (By Ms. Bernstein) The question was not how  
 18 long has this been in place, but the question is  
 19 when did you discuss this with Dr. Pernikoff?  
 20 A Okay, my answer is I can't remember exactly  
 21 for sure when. It's been the same one over the  
 22 years, and if I was coming to you once a year and  
 23 you had the same thing, would you go over it every  
 24 year? Would you talk about it every year if you  
 25 knew what was in here?

Page 243

1 A Yeah.  
 2 Q How do you know that this is still in  
 3 accordance with currently accepted professional  
 4 standards?  
 5 A Because of the new papers, things that Doug  
 6 had sent, which I don't know where they're at, but I  
 7 think you have them.  
 8 Q What do the new papers provide?  
 9 A Different ideas of different puzzles and  
 10 different ideas of what to do, like bubble blowing,  
 11 music therapy and giving them toys and enrichment  
 12 and frozen bottles and that kind of stuff.  
 13 Q You don't know what date?  
 14 A What date?  
 15 Q Yeah, when you were given that?  
 16 A If I can find the papers, I'm sure it's on  
 17 there.  
 18 Q So sitting here today, you don't know  
 19 whether it's in accordance with currently acceptable  
 20 professional standards?  
 21 A I can tell you it's been within the last two  
 22 years. Does that help you?  
 23 Q And where do you keep those records?  
 24 A They're -- they've been in my USDA folder.  
 25 Q Right, and we did not get those records

Page 245

62 (Pages 242 - 245)

1 until quite recently?  
2 A I think you got them, yeah.  
3 Q Recently.  
4 A I don't know when you got them.  
5 Q When did you provide them for your lawyers?  
6 Was that before or after Dr. Pernikoff's deposition?  
7 A Probably after.  
8 Q So we could not ask Dr. Pernikoff about it  
9 even though we asked you for those records a long  
10 time ago; isn't that right?  
11 MS. CHAMPION: I'm going to object as  
12 argumentative.  
13 Q (By Ms. Bernstein) You can answer.  
14 A I don't know.  
15 Q Is there a reason you didn't give us that  
16 stuff until very recently?  
17 A You know what? Maybe I didn't realize what  
18 all you were asking for. There was a lack of  
19 communication between my previous attorneys and I,  
20 so maybe I just didn't understand what all you were  
21 asking for.  
22 Q Are you aware that USDA regulations require  
23 that plans for environment enhancement must address,  
24 amongst other things, the social needs of nonhuman  
25 primates?

Page 246

1 eight primates currently at the facility?  
2 A I don't understand your question.  
3 Q What about the question don't you  
4 understand?  
5 A I don't know. You've got me so confused.  
6 MS. CHAMPION: If somebody doesn't  
7 understand the question, how are they going to  
8 understand what they don't understand?  
9 Q (By Ms. Bernstein) So sitting here today,  
10 you cannot tell me what Dr. Pernikoff has directed  
11 with respect to a plan to address the social needs  
12 of the primates currently at the facility?  
13 MS. CHAMPION: I'm going to object as asked  
14 and answered in that she already indicated what he  
15 had done, but you can give -- answer the best of  
16 your ability.  
17 A I don't know what -- I don't know what else  
18 to tell you. Doug has been down there numerous  
19 times. Doug has sat down there with the USDA people  
20 with me on my deck and went over enrichment, but  
21 there has not been a written program.  
22 Q (By Ms. Bernstein) Right. I understand  
23 there's no written program. My question is what has  
24 Dr. Pernikoff directed you to do with respect to  
25 addressing the social needs of the primates that are

Page 248

1 A Yes.  
2 Q And the regulations specifically require  
3 that that plan must be, quote, "directed by the  
4 attending veterinarian," end quote. Are you aware  
5 of that?  
6 MS. CHAMPION: I object as asked and  
7 answered. You can answer.  
8 A I am aware and you know what? When my USDA  
9 people come, they look at those papers and go over  
10 that, so they knew that the information was there.  
11 Q (By Ms. Bernstein) Did Dr. Pernikoff provide  
12 you with a plan to address the social needs of  
13 primates at the facility?  
14 A There's not a written -- there's nothing  
15 written up as a written plan.  
16 Q What has Dr. Pernikoff directed with respect  
17 to addressing the social needs of Tonka and Tammy?  
18 A We were never -- it was never discussed this  
19 is for Tonka and Tammy; this is for Candy and Kelly;  
20 this is for Mikayla and Chloe. It's like grouped  
21 together. This is what needs to be done. All the  
22 chimps get enrichment. All the chimps get social  
23 interaction. All the chimps can climb.  
24 Q What specifically has Dr. Pernikoff directed  
25 with respect to addressing the social needs of the

Page 247

1 currently at the facility? And you say it's not in  
2 writing, so it should be in your head, and I'm  
3 asking you what has he directed you to do to address  
4 the social needs of these primates at the facility?  
5 What directions did he give you?  
6 A That chimps need to interact with each  
7 other, that chimps need to play with each other,  
8 that chimps need enrichment, that chimps need to be  
9 able to climb, you know.  
10 Q I'm just talking about the social needs.  
11 A That is social as well as behavioral  
12 enrichment.  
13 Q All right. So if that is what he told you  
14 to do for social needs, that's fine. So with regard  
15 to climbing, interacting, playing --  
16 A Stimulation. They have TVs. They have  
17 radio therapy. They squirt --  
18 Q Just to be clear, I'm not asking you what  
19 they have. I'm asking you what Dr. Pernikoff  
20 directed. So he directed that they need to climb,  
21 interact and play. What else --  
22 A Groom.  
23 Q Groom. What else?  
24 A I can't remember.  
25 Q Did he direct how much time they need to

Page 249

63 (Pages 246 - 249)

<p>1 engage in all of this for --</p> <p>2 A No.</p> <p>3 Q Per day?</p> <p>4 A No, no.</p> <p>5 Q Did he direct how this should be provided?</p> <p>6 A No.</p> <p>7 Q Did he direct who should provide it?</p> <p>8 A I'm the one that's there all the time. I've</p> <p>9 been there for 50 years almost with those chimps.</p> <p>10 Q Did he --</p> <p>11 A Do you think Dr. Pernikoff, even though he's</p> <p>12 a veterinarian and very smart and very good on</p> <p>13 primates, knows that much more than I do, the one</p> <p>14 that's lived with them and take care of them, sit up</p> <p>15 with them at night?</p> <p>16 Q Did he direct how often this should be</p> <p>17 provided?</p> <p>18 A Every day.</p> <p>19 Q So he directed you to provide this every</p> <p>20 day?</p> <p>21 A Yeah.</p> <p>22 Q And during what period of time do you</p> <p>23 usually implement this plan that he directed you to</p> <p>24 do to address the social needs?</p> <p>25 A You know what period of time? I do it every</p>	<p>1 argumentative depositions I've ever seen in my life,</p> <p>2 but nonetheless, you may proceed, or maybe we should</p> <p>3 take a break. It's probably a good time for a</p> <p>4 break.</p> <p>5 MS. BERNSTEIN: Well, I'm in the middle of a</p> <p>6 question.</p> <p>7 MS. CHAMPION: Go ahead and finish and then</p> <p>8 we'll take a break.</p> <p>9 Q (By Ms. Bernstein) Did Dr. Pernikoff direct</p> <p>10 you what the minimum time is that you should provide</p> <p>11 daily to address the social needs of each of these</p> <p>12 chimpanzees that are currently at the facility?</p> <p>13 MS. CHAMPION: I'm going to object as asked</p> <p>14 and answered.</p> <p>15 A No.</p> <p>16 Q (By Ms. Bernstein) He did not?</p> <p>17 A No.</p> <p>18 MS. CHAMPION: Same objection.</p> <p>19 Q (By Ms. Bernstein) So it could be 30 seconds</p> <p>20 or it could be three hours or it could be more or</p> <p>21 less; you don't know?</p> <p>22 A Correct.</p> <p>23 Q Did you not ask him?</p> <p>24 A No, it's whenever I have time.</p> <p>25 Q Whatever you have time for?</p>
<p style="text-align: right;">Page 250</p> <p>1 day. It doesn't matter. I don't do it at the same</p> <p>2 time every day. It depends on how long it takes me</p> <p>3 to clean up the cage. It depends on how long it</p> <p>4 takes me to cut up produce. That depends on how</p> <p>5 much produce I have and what kind of produce. It</p> <p>6 depends on how much -- they have a feces pile or a</p> <p>7 urine pile. It takes -- it depends on what it takes</p> <p>8 to clean up. I don't have at 8:00 I do this, at</p> <p>9 9:00 I do this, at 8:30 I do this, at 8:45 I do</p> <p>10 this.</p> <p>11 Q Did Dr. Pernikoff direct you as to when or</p> <p>12 how often during the day this should be provided?</p> <p>13 A No.</p> <p>14 Q Do you know how much is at a minimum you</p> <p>15 need to --</p> <p>16 MS. BERNSTEIN: I'm sorry, did you want to</p> <p>17 say something?</p> <p>18 MS. CHAMPION: Yes, I said something. I</p> <p>19 said calm down. I don't know if I was talking to</p> <p>20 you or her but probably appropriate to both.</p> <p>21 MS. BERNSTEIN: I'm sorry?</p> <p>22 MS. CHAMPION: Yes.</p> <p>23 MS. BERNSTEIN: What do you mean? I'm just</p> <p>24 asking questions.</p> <p>25 MS. CHAMPION: It's one of the most</p>	<p style="text-align: right;">Page 252</p> <p>1 A Uh-huh.</p> <p>2 Q Now, today you're not at the facility;</p> <p>3 right?</p> <p>4 A Evidently not.</p> <p>5 Q Who is providing the plan of enhancement</p> <p>6 today?</p> <p>7 A Today Lisa is there. Tonia is there.</p> <p>8 Q Who is providing the enhancement today?</p> <p>9 A You know what? When the volunteers are</p> <p>10 there, everybody gives them enrichment. Everybody</p> <p>11 talks to them. Everybody plays with them. And I'm</p> <p>12 not sure. There was licorice there. There was more</p> <p>13 popcorn. Just watching them clean up is enrichment</p> <p>14 for the chimps. Sometimes they give them rags to</p> <p>15 wipe off the window. Nobody -- when other people</p> <p>16 are there, there's no one person that's fully in</p> <p>17 charge because everybody gives them attention.</p> <p>18 Q Right. And have the volunteers been advised</p> <p>19 as to what Dr. Pernikoff directed?</p> <p>20 A No.</p> <p>21 Q So whatever they're providing has not been</p> <p>22 directed by Dr. Pernikoff?</p> <p>23 A Not by Dr. Pernikoff but by me and what</p> <p>24 enrichment items we have there.</p> <p>25 Q So to the extent that Dr. Pernikoff said he</p>

Page 251

Page 253

64 (Pages 250 - 253)

1 did not direct any plan of enhancement and in fact  
2 he doesn't have the expertise, would he be mistaken?  
3 A I didn't say he didn't have the expertise.  
4 You're trying to put words in my mouth. I never  
5 said that at all.  
6 Q No, the question is to the extent that  
7 Dr. Pernikoff said he doesn't have the expertise and  
8 he did not provide or direct any plan of enhancement  
9 for the chimpanzees, is that inconsistent with what  
10 you recall?  
11 A So you're saying that Dr. Doug said he did  
12 not have the expertise?  
13 Q Correct.  
14 A If that's what he said, I don't know.  
15 Q And he said he never directed any  
16 enhancement or discussed that with you. Would he be  
17 mistaken?  
18 A As far as I'm concerned, he's mistaken.  
19 MS. BERNSTEIN: Why don't we take a break.  
20 Five minutes?  
21 MS. CHAMPION: Yeah.  
22 THE VIDEOGRAPHER: We're going off the  
23 record. This concludes media unit number three.  
24 The time is 3:54.  
25 (Recess)

Page 254

1 Q Have you ever sought direction from any  
2 attending veterinarian what temperature levels must  
3 be maintained inside your facility to ensure the  
4 health and well-being of the chimpanzees?  
5 A You know what? I haven't checked with a  
6 veterinarian, but I have checked with other places,  
7 other facilities, and that's pretty much their  
8 range.  
9 Q So it's fair to say that the ambient  
10 temperature inside the facility is not maintained at  
11 a level directed by the attending veterinarian?  
12 A That's probably correct, yes.  
13 Q Are you aware that USDA regulations require  
14 that the ambient temperature in indoor housing  
15 facilities for nonhuman primate, quote, "must be  
16 maintained at a level that ensures the health and  
17 well-being of the species housed as directed by the  
18 attending veterinarian," end quote?  
19 A I wasn't aware that it was supposed to be  
20 from the veterinarian.  
21 Q And certainly sitting here today you're not  
22 in compliance --  
23 A I'm sorry. I apologize.  
(Discussion off the record.)  
25 Q (By Ms. Bernstein) So certainly you're not

Page 255

1 THE VIDEOGRAPHER: We're going back on the  
2 record. This is media unit number four. The time  
3 is 4:06.  
4 Q (By Ms. Bernstein) Welcome back, Ms. Casey.  
5 Can you tell me the range of indoor ambient  
6 temperature that is required for chimpanzees to  
7 ensure their health and well-being?  
8 A I would say anywhere from 80 to 45 -- not  
9 indoors.  
10 Q No, it's the indoor ambient temperature.  
11 A I would say range between 80 and 50.  
12 Q And when you say you would say, what basis  
13 do you have to say that the indoor ambient  
14 temperature for chimpanzees to ensure their health  
15 and well-being must be between 80 to 50 degrees?  
16 A Well, they can't be too cold and they can't  
17 be too hot, and I can tell you the thermostat is set  
18 on 70 degrees year-round. Sometimes it may  
19 fluctuate a little bit. If it's a hundred degrees  
20 outside, it may be a little bit warmer, but that's  
21 where I keep mine.  
22 Q So you have no basis for your estimate that  
23 it needs to be between 80 and 50?  
24 A I have no basis except that's what it's been  
25 done for my 50 years of having chimps.

Page 255

1 presently in compliance with the requirement that  
2 the ambient temperature inside the facility is  
3 maintained at a level directed by an attending  
4 veterinarian?  
5 MS. CHAMPION: I'm going to object as to  
6 calling for speculation, lack of foundation, calling  
7 for a legal conclusion, and also improper  
8 application of statement of the law as I'm reading  
9 it right now, but you can answer.  
10 THE WITNESS: I can answer?  
11 MS. CHAMPION: Yes.  
12 A Now I forgot what the question was.  
13 THE VIDEOGRAPHER: Excuse me. The phone is  
14 not.  
(Discussion off the record.)  
16 Q (By Ms. Bernstein) Can you tell me the  
17 humidity levels that must be maintained for  
18 chimpanzees to ensure their health and well-being?  
19 A You know what? I'm not sure of that.  
20 Q Have you ever sought direction from an  
21 attending veterinarian what relative humidity levels  
22 must be maintained to ensure the health and  
23 well-being of chimpanzees at your facility?  
24 A I'm not sure what the humidity level is.  
25 Q The question is have you ever sought

Page 257

<p>1 direction from --</p> <p>2 A No.</p> <p>3 Q -- any attending veterinarian? So it would</p> <p>4 be fair to say that whatever the relative humidity</p> <p>5 is inside the chimpanzees' enclosure, it was not</p> <p>6 directed by the attending veterinarian?</p> <p>7 A I'm guessing that would be safe to say.</p> <p>8 Q So to the extent that the regulations</p> <p>9 require the level of humidity must be maintained as</p> <p>10 directed by the attending veterinarian, you would</p> <p>11 not be in compliance with that regulation?</p> <p>12 MS. CHAMPION: I'm going to object as</p> <p>13 calling for a legal conclusion, speculation, lack of</p> <p>14 foundation. You can answer.</p> <p>15 A I don't know.</p> <p>16 Q (By Ms. Bernstein) Do you agree that</p> <p>17 inappropriate diets may contribute to several health</p> <p>18 problems in captive primates?</p> <p>19 MS. CHAMPION: I object as asked and</p> <p>20 answered. You can answer.</p> <p>21 A I don't know. I don't think that's the case</p> <p>22 at my facility.</p> <p>23 Q (By Ms. Bernstein) Well, my question is are</p> <p>24 you aware that inappropriate diets may contribute to</p> <p>25 several health problems in captive primates?</p>	<p>1 A It could be.</p> <p>2 Q And do you remember in the past that some of</p> <p>3 your primates did have hair loss?</p> <p>4 A Very little.</p> <p>5 Q Do you disagree with the USDA's assessment</p> <p>6 that they had excessive hair loss?</p> <p>7 A Yes, I do disagree with that.</p> <p>8 Q Okay. And when the USDA noticed hair loss,</p> <p>9 did you ever try to find out the cause of the hair</p> <p>10 loss?</p> <p>11 A Yes, there was -- we did extra enrichments.</p> <p>12 I would put on vitamin E oil.</p> <p>13 Q You might have misunderstood my question.</p> <p>14 My question is did you ever try to find out what</p> <p>15 caused the hair loss?</p> <p>16 A Yes.</p> <p>17 Q Who had hair loss?</p> <p>18 A Well, one of the baboons at one time.</p> <p>19 Q Who was that?</p> <p>20 A Leona.</p> <p>21 Q Who else had hair loss?</p> <p>22 A Tammy had a little bit of hair loss at one</p> <p>23 time.</p> <p>24 Q Who else? Crystal?</p> <p>25 A Crystal had some hair loss.</p>
Page 258	Page 260

<p>1 MS. CHAMPION: Asked and answered.</p> <p>2 A Yes, I guess I'm aware of that, but they're</p> <p>3 vegan if that will help.</p> <p>4 Q (By Ms. Bernstein) I'm sorry?</p> <p>5 A They're vegan or vegetarian.</p> <p>6 Q Are they vegan or are they vegetarian?</p> <p>7 A They're vegetarian.</p> <p>8 Q Do you know what factors may cause hair loss</p> <p>9 in primates?</p> <p>10 A May cause what?</p> <p>11 Q Hair loss in primates.</p> <p>12 A Hair loss?</p> <p>13 Q Yes.</p> <p>14 A Oh, maybe if the air is too dry or maybe if</p> <p>15 they're overgrooming, maybe if they're rubbing</p> <p>16 against something. I guess if they're not feeling</p> <p>17 well, they may pull their hair. I can tell you from</p> <p>18 time to time some of the younger females, if they're</p> <p>19 going through estrus and get really frustrated,</p> <p>20 sometimes they might pull their hair. Sometimes if</p> <p>21 they get in a squabble they're like two girls in a</p> <p>22 catnip; they're both pulling.</p> <p>23 Q And do you agree that sometimes hair loss</p> <p>24 may be caused by vitamin deficiencies or</p> <p>25 protein-poor diet?</p>	<p>1 Q Others?</p> <p>2 A Not nothing to speak of.</p> <p>3 Q Who currently has hair loss?</p> <p>4 A Right now?</p> <p>5 Q Yes.</p> <p>6 A Crystal may have a little bit of hair loss</p> <p>7 on the -- on her back.</p> <p>8 Q She may? You're not sure?</p> <p>9 A You know, some of them just like people have</p> <p>10 a lot thinner coats. Some of them have a lot</p> <p>11 thicker coats.</p> <p>12 Q My question is about hair loss.</p> <p>13 A Okay.</p> <p>14 Q You're not sure that Crystal has hair loss?</p> <p>15 A She has maybe a thin spot on her, on her</p> <p>16 back.</p> <p>17 Q You say maybe. You're not sure?</p> <p>18 A It depends on how you look at her. You're</p> <p>19 probably going to be there tomorrow. You can look</p> <p>20 and see.</p> <p>21 Q Well, that bald spot or the hair loss that</p> <p>22 Crystal has --</p> <p>23 A I didn't say it was a bald spot. It's just</p> <p>24 a thinner spot.</p> <p>25 Q Right. The thinner spot, the hair loss on</p>
Page 259	Page 261

1 Crystal, have you asked Dr. Pernikoff to determine  
 2 what the cause of it is?  
 3 A No, because it's not -- it's not that --  
 4 Q It's not what?  
 5 A I don't think it's a problem.  
 6 Q When Crystal had hair loss in the past, did  
 7 you ask Dr. Pernikoff to determine what caused it?  
 8 A No, we -- I don't know. I think it was --  
 9 it seemed like it was when she lost her real mom.  
 10 Q My question was did you ask Dr. Pernikoff --  
 11 A No, I did not ask Dr. Pernikoff.  
 12 Q When Tammy had hair loss, did you ask  
 13 Dr. Pernikoff what caused it or to determine what  
 14 caused it?  
 15 A No.  
 16 Q When Leona had hair loss, did you ask  
 17 Dr. Pernikoff --  
 18 A We --  
 19 Q I have to finish. When Leona had hair loss,  
 20 did you ask Dr. Pernikoff to determine what caused  
 21 it?  
 22 A Yes.  
 23 Q And what did Dr. Pernikoff advise was the  
 24 cause of Leona's hair loss?  
 25 A He advised a little more enrichment. He

Page 262

1 She's in a place where there is other baboons, and I  
 2 think -- I don't know how she's doing.  
 3 Q You don't know how she's doing?  
 4 A No. I was told she's doing fine.  
 5 Q She's at the dealer's?  
 6 A I didn't say she was at a dealer's.  
 7 Q That's what I'm asking you. Is she at a  
 8 dealer?  
 9 A No, she's not at a dealer's.  
 10 Q Where is she at?  
 11 A She's at DeYoung Zoo or at least that's  
 12 where she went to be with other baboons.  
 13 Q And you don't know how they're treating her  
 14 overgrooming?  
 15 A I didn't -- I don't even know if she's still  
 16 overgrooming. She's in with other animals.  
 17 Q Right. You did not ask; right?  
 18 A I asked how she was doing and they said  
 19 fine. I didn't ask about her overgrooming.  
 20 Q And certainly while she was with you, you  
 21 never got the overgrooming under control; is that  
 22 right? She kept --  
 23 A No, her hair would grow back and then she  
 24 would overgroom again.  
 25 Q Right, right. And you never really were

Page 264

1 advised like spraying with maybe wheat germ oil if  
 2 she would let you put it on there, and a little --  
 3 we had also put some wheat germ oil on her monkey  
 4 chow biscuits, but it was determined that it was  
 5 just a habit.  
 6 Q Who determined that?  
 7 A Dr. Doug.  
 8 Q And what was the habit?  
 9 A She would overgroom like --  
 10 Q Her habit was to overgroom?  
 11 A Yeah, she would pull the hair on her  
 12 forearms and on the insides, the chins of her legs.  
 13 Q Right. And what was done to treat the  
 14 overgrooming?  
 15 A I just told you.  
 16 Q Did that stop, the overgrooming?  
 17 A No, it didn't matter. She would -- there  
 18 was times when the hair grew back, and then there  
 19 was times when she would overgroom it again. It was  
 20 determined that it was a habit much like biting  
 21 fingernails, which I still bite my fingernails.  
 22 Q Well, if Dr. Pernikoff's original treatment  
 23 did not solve the problem, did you do anything to  
 24 try something else?  
 25 A No. She is -- she is no longer with me.

Page 263

1 able to determine what --  
 2 A She had a full coat everywhere else besides  
 3 the chins of her front chins and her forearms.  
 4 Q Are you aware that zinc deficiency has been  
 5 associated with hair loss in primates?  
 6 A Yes, I was aware of that.  
 7 Q Do you know whether the chimpanzees  
 8 currently get enough zinc in their diet?  
 9 A I'm not a hundred percent sure, but they  
 10 have -- they eat monkey chow daily as well as their  
 11 fruits and vegetables, and it's supposed to have  
 12 balanced diet of proteins and minerals that they  
 13 need.  
 14 Q How many of the monkey chows do they have to  
 15 eat to get a sufficient amount of zinc in their  
 16 diet?  
 17 A You know what? I'm not sure but I give them  
 18 what they eat. If they want more, they get more.  
 19 If they -- you know, it's like the old saying you  
 20 can take a horse to water, but you can't make them  
 21 drink.  
 22 Q How many monkey chow biscuits do they each  
 23 get, and does it vary?  
 24 A You know what? I do not count it. I fill  
 25 their baskets with monkey chow. If they eat it all

Page 265

1 in a short period of time, I give them more.  
 2 Otherwise, they have access to monkey chow almost 90  
 3 percent of the time.  
 4 Q Could it be that they're getting too much of  
 5 certain nutrients?  
 6 A No, because I would think if they -- they're  
 7 not going to overeat.  
 8 Q Well, do you know whether the chimpanzees  
 9 get enough calcium and vitamin D?  
 10 A It should be in their monkey chow.  
 11 Q It should be. Did you check?  
 12 A It says it on the bag.  
 13 Q How many monkey chow biscuits do they need  
 14 to eat a day to get their daily sufficient amount of  
 15 calcium and vitamin D?  
 16 A I don't know.  
 17 Q What is the primary source for vitamin D for  
 18 the chimpanzees?  
 19 A Daylight, sunshine.  
 20 Q Is that unfiltered outdoor access to  
 21 sunshine?  
 22 A Almost everybody gets some time outside. I  
 23 rotate three groups, so --  
 24 Q How much time does each group get outside?  
 25 A If it's their day out or their two days out,

Page 266

1 A I have to -- I have chutes and tunnels, and  
 2 everything is connected kind of like a Rubik's Cube,  
 3 and so I can open up the slots, move the other ones  
 4 back, so they have access to go outside if they want  
 5 to.  
 6 Q What was the reason you tried to put a lead  
 7 on Chloe in the past?  
 8 A What are you talking about?  
 9 Q Your attempt to put Chloe on a lead that  
 10 were unsuccessful?  
 11 A Who said they were -- who said that?  
 12 Q You did.  
 13 A I -- when did I say I put Chloe on a lead  
 14 and was --  
 15 Q My question to you is you don't recall that?  
 16 A No, I don't.  
 17 Q And you don't recall trying to put Chloe on  
 18 a lead?  
 19 A I didn't say I didn't try to put her on a  
 20 lead. I said when did I say that?  
 21 Q Right. My question is did you try to put  
 22 Chloe on a lead in the past?  
 23 A When did I say I tried to put her on a lead?  
 24 MS. CHAMPION: She misrepresented something.  
 25 Just answer the question.

Page 268

1 most of the time I try to do two days because it  
 2 seemed better than just one day at a time. So they  
 3 can go in and out if they want. I don't lock them  
 4 outside in the heat and sun. They can come in if  
 5 they want to.  
 6 Q So tomorrow when we're there all the  
 7 chimpanzees have the option to go outside if they  
 8 choose?  
 9 A No; two groups will.  
 10 Q Who will be the groups that have the option  
 11 to go outside?  
 12 A You know what? It depends on how well they  
 13 move. Probably tomorrow, I think -- let's see,  
 14 tomorrow is -- tomorrow is Tonka and Tammy's day  
 15 outside.  
 16 Q So not all --  
 17 A Crystal and Kerry is outside today and  
 18 Connor and Candy or -- they can go outside too.  
 19 Q How do Chloe and Mikayla fit into the  
 20 schedule?  
 21 A I can rotate them also.  
 22 Q You can but do you?  
 23 A Yes.  
 24 Q How does Chloe get outside? Physically how  
 25 does that work?

Page 267

1 MS. BERNSTEIN: I object to that.  
 2 Q (By Ms. Bernstein) But the question is when  
 3 did you try to put Chloe on a lead?  
 4 A I don't know. The last time I tried to put  
 5 her on a lead was probably at least four years ago,  
 6 and to answer your question, do you put a dog on a  
 7 lead to take it outside? You can't put a chimp  
 8 that's strong and take it outside without having  
 9 some kind of control over it. You can't just open  
 10 the door and let it out to go to the bathroom or go  
 11 out and play without having some kind of control.  
 12 And if you think you can, you're sadly mistaken.  
 13 There's nobody in their right mind that would do  
 14 that.  
 15 Q I'm sorry --  
 16 A Are you talking about the thing I wrote to  
 17 Vito?  
 18 Q My question was when did you try to put  
 19 Chloe on a lead? And I believe in your answer you  
 20 said it was probably at least four years ago.  
 21 A I said probably at least four, maybe five  
 22 years ago.  
 23 Q Okay. And what was the reason you tried to  
 24 put Chloe on a lead about four years ago?  
 25 A I was going to take her out and let her

Page 269

1 play.  
 2 Q And why was it necessary to put her on a  
 3 lead in order to let her outside to play?  
 4 A Because you can't let them loose.  
 5 Q So she has to be on a lead in order to go  
 6 outside?  
 7 A Oh, yes. There isn't one chimp over two  
 8 years old that would need to be out -- without a  
 9 lead or some kind of control.  
 10 Q Okay, so in order to go outside, Chloe has  
 11 to be put on a lead?  
 12 A No.  
 13 Q Why did you try to put her on a lead?  
 14 A Because I just told you that. I was going  
 15 to take her outside and let her play out in the  
 16 yard.  
 17 Q Right.  
 18 A She didn't want me to put the lead on her.  
 19 I didn't force her. She didn't want to go out.  
 20 That was fine.  
 21 Q And the last time you tried to do that was  
 22 about four years ago?  
 23 A Four or five years ago.  
 24 Q And you referred to a note you wrote to  
 25 Vito?

Page 270

1 A Yes, ma'am, I have not talked to Vito.  
 2 Q Do you know what the status is of Chloe?  
 3 A I know she's there at my place and I'm  
 4 taking care of her every day.  
 5 Q Who pays for her?  
 6 A I do, if you're talking about care.  
 7 Q Do you get any money from Vito?  
 8 A No.  
 9 Q You just volunteer your money to take care  
 10 of --  
 11 A I love her; yes.  
 12 Q Did you ask what Vito might want for her?  
 13 A I told you I haven't talked to Vito.  
 14 Q Right. You didn't take into consideration  
 15 what Vito might want for Chloe?  
 16 A Vito in the past when I've talked to him  
 17 always wanted her to stay there.  
 18 Q But you told him to pick up Chloe?  
 19 A No, I did not tell him to pick up Chloe. He  
 20 was saying he was going to send his guys up to get  
 21 her, and I said he didn't need to send his guys. If  
 22 he was determined to come get her, he needed to be  
 23 the one to do it. I didn't tell him to come pick  
 24 her up.  
 25 Q Do you know whether the chimpanzees at the

Page 272

1 A Yes.  
 2 Q What was that note about?  
 3 A Because he was going to send some of his  
 4 guys up to pick up Chloe.  
 5 Q Right.  
 6 A And I -- I wrote that note and told him it  
 7 was not safe for him to send his guys to pick her  
 8 up. If she wanted to be picked up, he needed to be  
 9 the one to come get her and not push it off on  
 10 somebody else; that she wasn't a baby anymore that  
 11 you could take out on a lead or take her for a ride  
 12 to get ice cream.  
 13 Q And what did Vito respond?  
 14 A I think he responded okay.  
 15 Q Did he write a note?  
 16 A No, he did not write a note.  
 17 Q Did he send an e-mail?  
 18 A I think he called me.  
 19 Q When is the last time you spoke to Vito?  
 20 A Oh, gosh, I'm guessing then. I don't know  
 21 if there's a date on that thing, but it's probably  
 22 been a year and a half ago.  
 23 Q You haven't talked with Vito? You have  
 24 Chloe the chimpanzee and you haven't talked with  
 25 Vito?

Page 271

1 facility get enough vitamin D?  
 2 A I'm sure they do.  
 3 MS. CHAMPION: I object as asked and  
 4 answered.  
 5 Q (By Ms. Bernstein) Not vitamin D. Do you  
 6 know whether they get enough?  
 7 MS. CHAMPION: Same objection.  
 8 A I'm assuming they do.  
 9 Q (By Ms. Bernstein) You are assuming. Why  
 10 are you assuming they do?  
 11 A Because they get to go outside. Because  
 12 there is vitamin D in the monkey chow, and some of  
 13 the lights -- actually, we just changed some of  
 14 them, but some of them are the full-spectrum  
 15 lighting.  
 16 Q You don't -- do you know what the average  
 17 daily dose is that they need to get for their health  
 18 and well-being in terms of how much vitamin D is  
 19 important to --  
 20 A You know what? At some time I knew. Right  
 21 now I don't remember.  
 22 Q Do you know where you would look that up?  
 23 A On the Internet.  
 24 Q Where would you look?  
 25 A There's multiple information out there of

Page 273

<p>1 chimp enrichment and care.</p> <p>2 Q Well, I'm not asking about enrichment.</p> <p>3 A I don't remember where I looked it up at.</p> <p>4 Q Right. The question is do you know where</p> <p>5 you would look to find out what the nutritional</p> <p>6 needs are in terms of the daily requirements of</p> <p>7 vitamin D?</p> <p>8 A On the Internet on any of the various</p> <p>9 primate care things. It's been probably several</p> <p>10 years since I've looked anything up. I don't</p> <p>11 remember what it is.</p> <p>12 Q Is there any source that you consider</p> <p>13 authoritative that --</p> <p>14 A No.</p> <p>15 Q I'm sorry, you have to let me finish -- that</p> <p>16 would tell you how much vitamin D, calcium, protein,</p> <p>17 et cetera, chimpanzees need to protect their health</p> <p>18 and well-being?</p> <p>19 A You know what? As I recall, the different</p> <p>20 ones -- everybody's got a different opinion. You</p> <p>21 look at this website and it says one thing; this one</p> <p>22 says another. I think it's just kind of general</p> <p>23 idea whatever their basis are.</p> <p>24 Q So you wouldn't know where to look for an</p> <p>25 authoritative suggestion --</p>	<p>1 They'll either eat it or they don't.</p> <p>2 Q Is that how Candy got overweight?</p> <p>3 A No. She don't eat a whole lot of monkey</p> <p>4 chow.</p> <p>5 Q So there's other causes for her to be</p> <p>6 overweight?</p> <p>7 A I don't know what her causes are to be</p> <p>8 overweight. Same as I don't overeat but I'm fat.</p> <p>9 Q We're here for the primates. The concern is</p> <p>10 with the primates. You do understand that?</p> <p>11 MS. CHAMPION: Can you ask your next</p> <p>12 question?</p> <p>13 A No, I'm stupid.</p> <p>14 Q (By Ms. Bernstein) What type of fat -- where</p> <p>15 does the fat come from that is in the diet of the</p> <p>16 chimpanzees?</p> <p>17 A The monkey chow.</p> <p>18 Q Is there any other fat in their diet?</p> <p>19 A No.</p> <p>20 Q No other fat in their diet?</p> <p>21 A I don't think so.</p> <p>22 Q The only fat they get is what's in the</p> <p>23 monkey chow?</p> <p>24 A I think so. How much fat is in apples and</p> <p>25 oranges and bananas and lettuce and cucumbers?</p>
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Page 274

Page 276

<p>1 A I would look on the Internet.</p> <p>2 Q I need to finish, yes, but the question is</p> <p>3 you can't identify for me an authoritative source</p> <p>4 for the nutritional needs of chimpanzees in</p> <p>5 captivity?</p> <p>6 A I can't identify it right now because I</p> <p>7 don't remember.</p> <p>8 Q What percentage of the chimpanzees' calories</p> <p>9 daily comes from monkey chow biscuits?</p> <p>10 A I'm not sure.</p> <p>11 Q Can you give a rough estimate?</p> <p>12 A No, I can't.</p> <p>13 Q Is it more than 10 percent? Is it less than</p> <p>14 10 percent?</p> <p>15 A I don't know.</p> <p>16 Q What percentage of the chimpanzees' calories</p> <p>17 daily approximately comes from fat?</p> <p>18 A I don't know. It's listed on the monkey</p> <p>19 chow bag. I can't tell you because I don't</p> <p>20 remember.</p> <p>21 Q Well, you don't remember and you don't know</p> <p>22 how much monkey chow they get; right?</p> <p>23 A I fill up their baskets. If they eat it all</p> <p>24 in a short period of time, they get more. They have</p> <p>25 access to monkey chow 90 percent of the time.</p>	<p>1 Q I'm just asking you what's in their diet?</p> <p>2 A I'm just telling you that's what they eat.</p> <p>3 Q So the only source of fat that they get is</p> <p>4 what's in the monkey chow?</p> <p>5 A Well, okay, they do get peanut butter and</p> <p>6 jelly sandwiches, so there's probably some source of</p> <p>7 fat in there. There's times when I do give them</p> <p>8 almond butter, which I'm sure there's probably some</p> <p>9 fat in that. They get yogurt.</p> <p>10 Q Okay.</p> <p>11 A They get -- as a treat they get those</p> <p>12 breakfast bars sometimes, so there may be fat in</p> <p>13 that.</p> <p>14 Q Which breakfast bars?</p> <p>15 A I don't know, whichever I feed. Sometimes I</p> <p>16 feed Quaker brand. Sometimes I feed that Sunbelt.</p> <p>17 Sometimes I feed the generic Wal-Mart brand.</p> <p>18 Q On a typical day does the chimpanzees' fruit</p> <p>19 intake exceed or fall below 25 percent of the total</p> <p>20 weight of the daily food intake?</p> <p>21 A 25 percent?</p> <p>22 Q Yes.</p> <p>23 MS. CHAMPION: Of the weight of the daily</p> <p>24 food intake.</p> <p>25 A You're just talking fruit, not vegetables?</p>
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Page 275

Page 277

70 (Pages 274 - 277)

<p>1 Q (By Ms. Bernstein) Correct.</p> <p>2 A I'm not exactly sure.</p> <p>3 Q Can you estimate?</p> <p>4 A Well, I can tell you -- I don't know how to estimate that. They usually get per chimp is what's put in, four apples a day, four bananas, usually a cucumber, head of lettuce.</p> <p>8 Q I'm just currently asking about fruit.</p> <p>9 A All right.</p> <p>10 Q Four apples and four bananas a day per chimp?</p> <p>12 A Four apples. Some of them don't like bananas, so some of them only get two bananas a day, but they usually get oranges, pears in season, they get some grapes. It depends on what's in season.</p> <p>16 Q How much fruit daily?</p> <p>17 A How much fruit daily.</p> <p>18 Q Compared to what else they're getting, what's the percentage of fruit?</p> <p>20 A Percentage -- well, percentage of fruit is probably about 25 percent.</p> <p>22 Q How many calories do the chimpanzees consume on a typical day?</p> <p>24 A I don't know.</p> <p>25 Q Are you aware that having too many calories</p>	<p>1 A I think it probably depends on the size of the chimp, but when you've got a couple chimps together, it's like you're not -- you can't be a hundred percent sure this one isn't going to eat that much. Some of them are bigger eaters than the others. I don't know what to tell you.</p> <p>7 Q So you don't know what amount of calories would be too few for -- to protect the health and well-being of the chimpanzee?</p> <p>10 A Too few?</p> <p>11 Q Yes.</p> <p>12 A No, but I don't think they get too few calories.</p> <p>14 Q They could be getting too many?</p> <p>15 A I don't know about that either.</p> <p>16 Q Because you just don't know what the correct amount of calories would be for their health and well-being?</p> <p>19 A I guess at this point I don't; I don't remember.</p> <p>21 Q Do you know where you would look up that information?</p> <p>23 A Like I said before, there's a wide variety of information.</p> <p>25 Q Right. Can you identify any authoritative</p>
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Page 278

Page 280

<p>1 a day can have --</p> <p>2 A Fat?</p> <p>3 Q -- health consequences?</p> <p>4 A Yeah.</p> <p>5 Q You're aware of that? And you still don't monitor the amounts of calories you feed the chimpanzees? You don't?</p> <p>8 A So are you thinking I'm supposed to separate them, separate this one and just give this one this much and this one this much when they're together?</p> <p>11 You start separating and feeding and you're going to cause fights when they do eat.</p> <p>13 Q The question is, ma'am, you don't monitor the amount of calories you feed the chimpanzees; is that right?</p> <p>16 A I guess I don't.</p> <p>17 Q Do you have an approximation of the calories the chimpanzees eat on an average day?</p> <p>19 A I don't know.</p> <p>20 Q Do you know how many calories would be detrimental to their health?</p> <p>22 A No.</p> <p>23 Q Do you know what minimum amount of calories they ought to be getting a day for their health and well-being?</p>	<p>1 source that would have accurate information?</p> <p>2 A Right now I can't. I don't.</p> <p>3 Q Have you ever looked it up?</p> <p>4 A Yes, I have, but I can't tell you. I don't remember.</p> <p>6 Q So you would have to be speculating whether the food is of sufficient quantity and has sufficient nutritive value to maintain the health of the chimpanzees?</p> <p>10 A I don't know if you call it speculating or not. I've talked to other places and other facilities how they feed, and I basically feed the same things, the same variety.</p> <p>14 Q Can you identify what other places feed the same things and the same variety as you do?</p> <p>16 A Well, I was just down at Save the Chimps and seen what they fed. I was just over at Center for Great Apes and went into their kitchen and seen -- and was told what they feed. You know, in the past I've talked to the St. Louis Zoo keeper, Ingrid. I've talked to other facilities on their feeding program.</p> <p>23 Q All right. How many pieces of fruit or how much percentage of fruit does Save the Chimps feed their animals?</p>
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Page 279

Page 281

1 A You know what? They show me a tub, a  
 2 basket. I don't remember. I didn't take notes and  
 3 I didn't write it down, so I don't know.  
 4 Q What makes you think that they feed the  
 5 chimpanzees what you feed your chimpanzees?  
 6 A I saw what they had.  
 7 Q Do you know how much they feed of each?  
 8 A Each chimp?  
 9 Q Yeah.  
 10 A No. We went into the kitchen. They  
 11 explained the stuff. They showed us what they fed.  
 12 They showed us the tubs. They took us through and  
 13 showed us their enrichment, kind of went through  
 14 their other things that they do, cook spaghetti for  
 15 them or whatever.  
 16 And -- but I did not write it down or take  
 17 notes or say, okay, you know, okay, this chimp over  
 18 here that came from this lab that weighs 200 pounds,  
 19 how much do you give him? We didn't do that.  
 20 Q Save the Chimps, do they give supplements?  
 21 A Supplements?  
 22 Q Yes.  
 23 A Like?  
 24 Q To the chimpanzees?  
 25 A What are you calling supplements?

Page 282

1 formulated particularly for chimpanzees. It's a  
 2 chewable kid vitamin.  
 3 Q A chewable kids vitamin?  
 4 A Uh-huh.  
 5 Q And who pays for that?  
 6 A I do or sometimes it's donated.  
 7 Q Who has in the past donated chewable kids  
 8 vitamins?  
 9 A Debbie Marshall and actually in the past  
 10 Vito has.  
 11 Q What is the dosage that you give to each of  
 12 these chimpanzees of this multiple vitamin?  
 13 A One a day.  
 14 Q One a day? What did you do to determine  
 15 whether that's appropriate to do?  
 16 A What did I determine?  
 17 Q Yes, what did you do to determine that one  
 18 of those chewables daily for each of these  
 19 chimpanzees is appropriate?  
 20 A It's just something I've always done. I  
 21 don't think I made any determination of whether it's  
 22 appropriate or not. Actually, I've told Doug and he  
 23 didn't say anything, so --  
 24 Q What did you tell Doug and when did you tell  
 25 him?

Page 284

1 Q Nutritional supplements.  
 2 A They give peanut butter they told me. They  
 3 had yogurt.  
 4 Q I'm not talking about food. I'm talking  
 5 about supplements, nutritional supplements.  
 6 A I think -- I don't know. You'll have to ask  
 7 them.  
 8 Q So you don't know if they give supplements  
 9 or not?  
 10 A I think they told me they get a daily  
 11 vitamin.  
 12 Q You're not sure of that?  
 13 A You'll have to talk to them.  
 14 Q Right. You don't know?  
 15 A I don't remember what they told me.  
 16 Q You mentioned giving vitamins to the  
 17 chimpanzees at your facility?  
 18 A Uh-huh.  
 19 Q Yes?  
 20 A Yes.  
 21 Q What vitamins do they get?  
 22 A Those chewable gummy vitamins.  
 23 Q Is that a formula for chimpanzees or for  
 24 humans?  
 25 A I don't think they make a vitamin that's

Page 283

1 A Hell, it's been years ago because that's  
 2 what I always give them.  
 3 Q So what exactly do you do in terms of  
 4 feeding animals that are housed together to ensure  
 5 that each receives an appropriate amount of food?  
 6 A I give them the food and watch them eat it.  
 7 Q Right. And what do you do to make sure, for  
 8 example, that Candy eats an amount that's  
 9 appropriate for her and not more than, you know,  
 10 what she should be eating?  
 11 A Who's going to determine that? I mean, do  
 12 you think you eat the same thing that I eat?  
 13 Q Is that -- I'm asking you what do you do to  
 14 make sure, for example, that Candy eats an amount  
 15 that's appropriate for her and not more than what  
 16 she should be eating?  
 17 A Candy is not an overeater. She's just a big  
 18 girl.  
 19 Q What do you do to make sure --  
 20 A I guess nothing. I don't know what else to  
 21 tell you.  
 22 Q How do you determine whether the food they  
 23 get is of sufficient quantity?  
 24 A Well, they never act like they're hungry.  
 25 I'm sure they're not underfed.

Page 285

<p>1 Q What do you do to actually figure out if the 2 food you give them is of sufficient quantity, that 3 it's the right amount for the age and the health and 4 the size of each of the chimpanzees? How do you 5 determine that?</p> <p>6 A I guess by their intake. I think on the 7 bag -- I think on the bag of monkey chow it says -- 8 I'm thinking it says one cup per -- maybe one cup 9 twice a day per 60 pounds or something. I'll have 10 to look on the bag.</p> <p>11 But do I measure it? I have to tell you 12 I've got a scooper and I put two scoops in, and like 13 I said, if they eat the monkey chow, then they get 14 more. The fruits and vegetables usually they eat it 15 all.</p> <p>16 Q And you don't know how much they should be 17 getting for their health and well-being?</p> <p>18 A No.</p> <p>19 Q It could be -- it's possible you feed them 20 too much?</p> <p>21 A Most of the time the chimps don't overeat.</p> <p>22 Q It's possible that you feed them too much?</p> <p>23 A You know what? I guess I don't know.</p> <p>24 Q Who typically determines whether the food 25 for the chimpanzee is of sufficient nutritional</p>	<p>1 MS. CHAMPION: Stress, anxiety, depression. 2 MS. BERNSTEIN: Right.</p> <p>3 A Yeah, strangers. Strangers invading their 4 property, biggest stress probably.</p> <p>5 Q (By Ms. Bernstein) Okay. Anything else?</p> <p>6 A Thunder, maybe fireworks maybe. Most of 7 them don't pay any attention to that, but it could 8 be. I kind of live in the country, and sometimes 9 people shoot guns.</p> <p>10 Q So loud noises in general?</p> <p>11 A Maybe. Although they make a lot of loud 12 noise themselves.</p> <p>13 Q Anything else? That's all you can think of?</p> <p>14 A That's all I can think of right now.</p> <p>15 Q Did you ever notice one of the primates at 16 your facility had a subordinate toe missing?</p> <p>17 A Yes.</p> <p>18 Q Who was that?</p> <p>19 A Kimmy.</p> <p>20 Q And how did that toe go missing?</p> <p>21 A Kimmy came like that.</p> <p>22 Q Did you find out what caused it?</p> <p>23 A No. That was back in '86. I have no idea.</p> <p>24 Q Were you at the facility on the date when 25 PETA's and Ms. Scott's representatives came to</p>
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Page 286

Page 288

<p>1 value to maintain them in good health?</p> <p>2 A It would probably be me.</p> <p>3 Q But sitting here today you really don't know 4 whether it is or not?</p> <p>5 A Sufficient?</p> <p>6 Q Nutritional value.</p> <p>7 A I'm sure it's nutritional value.</p> <p>8 Q You don't know sitting here today that it's 9 of sufficient nutritional value; is that right?</p> <p>10 A I didn't say that. You said that.</p> <p>11 Q I'm asking you.</p> <p>12 A I feel like a hundred percent they have a 13 good balanced nutritional diet.</p> <p>14 Q How much protein do they need to have in 15 their diet for a balanced nutritional diet?</p> <p>16 A I don't know, but I think you asked me that 17 before. You know, the monkey chow is supposed to be 18 a balanced diet.</p> <p>19 Q So you don't know?</p> <p>20 A I guess you're answering the question. I 21 guess I don't know.</p> <p>22 Q Can you identify for me any risk factors 23 that could cause stress, anxiety or depression in 24 captive chimpanzees?</p> <p>25 A Risk factors, stress?</p>	<p>1 inspect the premises earlier this year?</p> <p>2 A When they snuck in?</p> <p>3 Q Snuck in where?</p> <p>4 A Yeah, at the facility unannounced, 5 secretive, spies.</p> <p>6 Q Is that a yes or a no to my question?</p> <p>7 A I guess I was. I had no idea it was PETA 8 representatives.</p> <p>9 Q You said they were unannounced. Did you not 10 agree previously to have the inspection on that 11 date?</p> <p>12 A Say it again. Oh, I misunderstood you.</p> <p>13 Q Did you not previously agree to have the 14 inspection on that date?</p> <p>15 MS. CHAMPION: She thought you were talking 16 about something else.</p> <p>17 Q (By Ms. Bernstein) Were you at the facility 18 on the date when PETA's and Ms. Scott's 19 representatives came to inspect the premises?</p> <p>20 A Okay. I thought you were talking about when 21 Angie came in with the hidden camera planted by PETA 22 and took all the false videos. That's what I 23 thought you were talking -- talking about.</p> <p>24 Q Oh, well, tell me about that. What are you 25 referring to about Angie coming in with a hidden</p>
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Page 287

Page 289

<p>1 camera planted by PETA --</p> <p>2 A You don't know about that?</p> <p>3 Q Tell me about it.</p> <p>4 A Huh?</p> <p>5 Q Tell me about it.</p> <p>6 A I heard about it.</p> <p>7 Q Well, tell me about it. When did that happen and did you see the videos, and what made you think they were planted by PETA and they were false?</p> <p>10 MS. CHAMPION: I would object as compound.</p> <p>11 Q (By Ms. Bernstein) You can answer.</p> <p>12 MS. CHAMPION: You can pick a question and answer it. She's asked four questions.</p> <p>14 A I heard about it. I heard about it.</p> <p>15 Actually, I seen some of the footage on PETA's website that she took.</p> <p>17 Q (By Ms. Bernstein) How do you know she took it?</p> <p>19 A Because she was there and you could see her voice.</p> <p>21 Q So Ms. Angela Scott took videos of your facilities; is that right?</p> <p>23 A It's on PETA's website. Did you see it?</p> <p>24 Q My question is she took -- are you saying she took videos at your facility?</p>	<p>1 Q Who else?</p> <p>2 A My son-in-law.</p> <p>3 Q Kevin Harned?</p> <p>4 A Uh-huh.</p> <p>5 Q Who else?</p> <p>6 A Penny Healzer.</p> <p>7 Q Who else?</p> <p>8 MS. CHAMPION: Let her finish. She's going to tell you everybody. Just let her finish her question without continuing to interrupt her.</p> <p>11 A Byron Healzer. And I think that's it.</p> <p>12 Q (By Ms. Bernstein) Tonia?</p> <p>13 A Tonia wasn't there when they came.</p> <p>14 Q Okay. Well, that was my question.</p> <p>15 A All right. She told you I was going to tell you everybody, and I did.</p> <p>17 Q I'm just trying to make sure. You don't need to be upset.</p> <p>19 A Well, you're putting Tonia in my mouth. You're trying to get me to say it, and she was not there when they showed up.</p> <p>22 Q So what was the reason those people happened to be there on that particular morning?</p> <p>24 A Just so somebody else would be there in case PETA showed up.</p>
<p style="text-align: right;">Page 290</p> <p>1 A Angela Scott? Yeah.</p> <p>2 Q And you said the videos were false. What do you mean by that?</p> <p>4 A Well, they were taken out of context, and evidently PETA edited it or she edited it, that they only took small portions to make it look like the chimps were in tiny cramped cages.</p> <p>8 Q Do you recall earlier this year PETA actually wanted to inspect the facilities --</p> <p>10 A Yes, I do.</p> <p>11 Q -- to find out what things looked like?</p> <p>12 A Yes.</p> <p>13 Q Right. And you previously agreed to the date of the inspection? That was a date that you were aware that you previously told your lawyers you would agree on the certain date?</p> <p>17 A Yes.</p> <p>18 Q And on that date that you previously had agreed on when PETA's and Ms. Scott's representative came to inspect the premises, were you there?</p> <p>21 A Yes.</p> <p>22 Q Who else was there?</p> <p>23 A My daughter.</p> <p>24 Q Which one?</p> <p>25 A Lisa.</p>	<p style="text-align: right;">Page 292</p> <p>1 Q Right. So you were expecting a representative of PETA and Ms. Scott to come --</p> <p>3 A I --</p> <p>4 Q I need to finish. You did expect them to come for the inspection?</p> <p>6 A I didn't expect them to because my attorney said they weren't going to.</p> <p>8 Q So why did you --</p> <p>9 A Just in case somebody showed up I wanted somebody on the property with me.</p> <p>11 Q Now, you previously said you had agreed to that date. Did you at some point change your mind about going forward with the inspection that you previously agreed to?</p> <p>15 A You know what? I did not change my mind. My attorney told me the inspection is off.</p> <p>17 Q Really?</p> <p>18 A Really.</p> <p>19 Q You wanted to go forward with the inspection, and your attorney said it would not --</p> <p>21 A I asked him why are we not --</p> <p>22 MS. CHAMPION: Don't tell her what you asked him, but it's fine for you to answer her question about what you wanted and what you asked.</p> <p>25 Q (By Ms. Bernstein) You wanted to go forward</p>

<p>1 with the inspection?</p> <p>2 A I would have been willing to go forward with 3 the inspection. He said no.</p> <p>4 Q Is it true that you told your lawyers not to 5 do any work on this case other than trying to settle 6 the case? And by your lawyers I mean your previous 7 lawyers, Mr. Batten and Mr. Clark. Is it true that 8 you told them not to do any work on this case other 9 than trying to settle this case?</p> <p>10 MS. CHAMPION: I'm going to object as 11 attorney-client privilege. Let me think about this 12 for a minute though.</p> <p>13 MS. BERNSTEIN: It might help you that we 14 were informed and it's actually been an exhibit in 15 various motions that it was represented to us that 16 the reason nothing happened was that --</p> <p>17 MS. CHAMPION: I think --</p> <p>18 MS. BERNSTEIN: -- they received 19 instructions --</p> <p>20 MS. CHAMPION: -- to object to the question 21 of is her attorney's statement that blah, blah, blah 22 occurred true.</p> <p>23 Q (By Ms. Bernstein) Is it true that at some 24 point you told your lawyers not to do any work on 25 the case other than trying to settle this case?</p>	<p>1 multiple times that the reason for that was that 2 they had received instructions from their client not 3 to do work on the case.</p> <p>4 Q (By Ms. Bernstein) And I'm asking is that 5 consistent with the instructions you provided to 6 your attorneys?</p> <p>7 MS. CHAMPION: Yeah, the way you've asked 8 the question -- I mean, I've suggested to you how I 9 think she can answer it without --</p> <p>10 MS. BERNSTEIN: Well, I did ask it that way 11 and you still objected.</p> <p>12 Q (By Ms. Bernstein) Your lawyers said that 13 you instructed them at some point not to do any work 14 on the case other than trying to settle the case. 15 Is that a correct statement of what you instructed 16 them to do?</p> <p>17 MS. CHAMPION: The problem is the way you're 18 asking the question, so I have to object to that 19 question as attorney-client privilege.</p> <p>20 Q (By Ms. Bernstein) You're not going to 21 answer?</p> <p>22 A No, I'm not.</p> <p>23 Q Would answering the question reveal any 24 legal advice you received from your lawyers?</p> <p>25 MS. CHAMPION: You can answer that part.</p>
<p style="text-align: right;">Page 294</p> <p>1 MS. CHAMPION: Okay, that's not the same 2 question, so I have to object to that one as to what 3 you told them as attorney-client privilege. But I 4 will allow her to answer whether her attorney's 5 in-court statements are true or false.</p> <p>6 Q (By Ms. Bernstein) Your attorneys, Mr. Clark 7 and Mr. Batten, represented to us that you told them 8 not to do any work on this case other than trying to 9 settle the case at some point. Is that consistent 10 with the instructions that you gave them?</p> <p>11 MS. CHAMPION: The way it's phrased I have 12 to object as to attorney-client privilege again.</p> <p>13 MS. BERNSTEIN: That's been waived.</p> <p>14 A I'm not going to answer it.</p> <p>15 Q (By Ms. Bernstein) Is it true what your 16 lawyers told us that you told them not to do any 17 work on the case other than trying to settle the 18 case? Is that a true statement?</p> <p>19 MS. CHAMPION: I'm going to have to object. 20 Same attorney-client privilege.</p> <p>21 MS. BERNSTEIN: We'll be taking this up with 22 the Court because I think that's significant, and 23 it's been waived because this representation has 24 been made as to the reason why no discovery was 25 provided and everything was canceled. We were told</p>	<p style="text-align: right;">Page 296</p> <p>1 A Probably.</p> <p>2 Q (By Ms. Bernstein) You're not sure?</p> <p>3 A They approached me and said, Okay, this is 4 where we're at. You need to sign this or this, so 5 one of the papers was saying -- for me to sign was 6 not to have them do anything else besides settle. 7 They actually approached me with that. I did not 8 approach them. But they let me know that --</p> <p>9 MS. CHAMPION: I can't let you tell them 10 what they let you know.</p> <p>11 Q (By Ms. Bernstein) But you instructed -- at 12 some point you told them that you opted for them to 13 settle the case rather than doing any discovery work 14 or other work on this case?</p> <p>15 MS. CHAMPION: Same objection; 16 attorney-client privilege.</p> <p>17 Q (By Ms. Bernstein) You're not going to 18 answer?</p> <p>19 A I'm not sure how to answer that. It was 20 their idea, not mine. So I don't know how to answer 21 that except that's what it was.</p> <p>22 Q Whose idea was it to cancel the deposition 23 that was previously scheduled?</p> <p>24 A Theirs.</p> <p>25 Q So you would have been willing --</p>

Page 295

Page 297

75 (Pages 294 - 297)

1 A Yeah, theirs.  
 2 Q You would have been willing to appear for  
 3 deposition, and they told you not to?  
 4 MS. CHAMPION: Woe, woe. I can't let you  
 5 answer the second portion of that. I can let you  
 6 answer you would have been willing to appear for  
 7 deposition, but I can't let you answer they told you  
 8 not to because that's attorney-client privilege. So  
 9 I object to that portion of the question.  
 10 Q (By Ms. Bernstein) Why did you refuse to  
 11 appear for deposition on the previously agreed upon  
 12 date?  
 13 MS. CHAMPION: That's objectionable. It  
 14 assumes facts not in evidence but you can answer  
 15 that one.  
 16 A Other than -- I don't know how to answer it.  
 17 I was advised not to.  
 18 Q (By Ms. Bernstein) Going back now to the  
 19 inspection that you had previously agreed to and  
 20 then refused to allow to proceed, at the time when  
 21 PETA's and Ms. Scott's representatives arrived for  
 22 the inspection, was your gate barring their entry to  
 23 the property?  
 24 A There's always a gate.  
 25 Q Okay.

Page 298

1 PETA's or Ms. Scott's representative trying to use  
 2 physical force to get onto the property?  
 3 A Just verbal.  
 4 Q Verbal. What was the verbal force that you  
 5 claim was used to get onto the property?  
 6 A That this is how it's done and this is we're  
 7 coming in and we have the right to come in.  
 8 That's --  
 9 Q That's what they said?  
 10 A Uh-huh.  
 11 Q Do you recall that?  
 12 A Yes.  
 13 Q Exactly what was said that you claim  
 14 constituted force to try to get onto the property  
 15 with force?  
 16 A Okay, if I said force -- did you say force  
 17 or did I say force?  
 18 Q I asked -- you said when I asked you whether  
 19 they tried to use physical force, you said just  
 20 verbal, so there was no verbal force either?  
 21 A It was verbal intimidation and they were on  
 22 my property.  
 23 Q They were outside the gate?  
 24 A They were on my property. Outside the gate  
 25 is my driveway on my property.

Page 300

1 A There's been a gate there for, hell, 20  
 2 years.  
 3 Q Right. But that gate is sometimes open and  
 4 sometimes closed?  
 5 A It's open when somebody comes in and shut  
 6 when they leave.  
 7 Q The question is was there a gate that barred  
 8 their entry to the property?  
 9 A Yes.  
 10 MS. CHAMPION: I object as asked and  
 11 answered.  
 12 MS. BERNSTEIN: Well, no.  
 13 MS. CHAMPION: I said I'm going to object as  
 14 asked and answered.  
 15 Q (By Ms. Bernstein) The fact that there's  
 16 always a gate, the gate may be open or closed, and  
 17 my question is was there a gate that was barring the  
 18 entry to the property?  
 19 MS. CHAMPION: I object as asked and  
 20 answered. You can answer again.  
 21 Q (By Ms. Bernstein) It was closed at the  
 22 time; right?  
 23 A Yes. The gate is always closed unless  
 24 somebody is coming through.  
 25 Q On that date did you ever observe any of

Page 299

1 Q They did not force their way onto that part;  
 2 right?  
 3 A That part was not blocked off, no.  
 4 Q Right. Nobody used any physical force to  
 5 get onto your property?  
 6 A Not physical force.  
 7 Q Right. Did they use any other force to get  
 8 onto your property?  
 9 A Force, just verbal.  
 10 Q Right, but there was no force used?  
 11 A Force?  
 12 Q Right.  
 13 A No.  
 14 Q No force was used to get onto your property.  
 15 Were you present when somebody called 911 to make --  
 16 A No.  
 17 Q -- a report to the police? You were not?  
 18 A No.  
 19 Q You did not hear what was said to the 911  
 20 dispatcher?  
 21 A No.  
 22 Q Were you present when another man threatened  
 23 physical violence against a PETA representative?  
 24 A I came up after I think he said something.  
 25 I don't think I was at the gate when he said it.

Page 301

1 Q You're saying you did not hear the following  
 2 statement, quote, "The first PETA guy that comes  
 3 through here and I don't -- and I know you're an  
 4 attorney now -- I'm going to knock his ass out right  
 5 on the spot, going to lay him out flat," end quote;  
 6 you did not hear that said?  
 7 A I did not hear that. I was not at the gate  
 8 at that time. I was walking up towards the gate.  
 9 Q Did you later hear that somebody said that?  
 10 A Yeah, I heard that.  
 11 Q Who was the person who said that?  
 12 A Penny's husband.  
 13 Q Byron Healzer?  
 14 A Uh-huh, but that's not physical force no  
 15 more than PETA sitting at my gate saying they have  
 16 the right to come in. He did not touch them. He  
 17 told them if they come in the gate.  
 18 Q Right. He threatened physical violence  
 19 against any PETA representative --  
 20 A That enters through the gate. The gate was  
 21 closed.  
 22 Q He did?  
 23 A Uh-huh.  
 24 Q Can you take me through a typical day at the  
 25 facility as to what would typically go on? Like on

Page 302

1 as I go through and say hi.  
 2 Q How long does that take?  
 3 A It depends on how long I stop and talk to  
 4 them.  
 5 Q What happens after that?  
 6 A That's when I kind of do a visual, just  
 7 check everybody, make sure everybody is okay. I  
 8 have some Kool-Aid in a squirt bottle that a lot of  
 9 times I come down and give them a squirt of  
 10 Kool-Aid.  
 11 Q Is that -- Does that contain sugar?  
 12 A No, it's sugar-free Kool-Aid.  
 13 Q Sugar-free?  
 14 A Uh-huh. Sometimes I use Gatorade instead of  
 15 Kool-Aid.  
 16 Q So you use sugar-free Gatorade?  
 17 A Sugar-free Gatorade?  
 18 Q Right.  
 19 A No, I don't.  
 20 Q The Kool-Aid, is it sweetened with  
 21 aspartame?  
 22 A I'm not sure.  
 23 Q But that would be stored in the  
 24 refrigerator, and we would be able to see it  
 25 tomorrow?

Page 304

1 a day like tomorrow, when does the work start, who  
 2 does the work, and what do they do?  
 3 A It depends on who's there. As far as me, I  
 4 usually get up. My alarm goes off around six. I  
 5 usually take a shower.  
 6 Q Well, I don't need to know your hygiene  
 7 habits or anything. What do you do at the facility?  
 8 A Okay, usually the first thing I do is go  
 9 down and turn the lights on.  
 10 Q What time?  
 11 A You know what? They sleep later when it's  
 12 cloudy. I don't like waking them up, so in the  
 13 summertime I usually go down around 7:30.  
 14 Q Tomorrow approximately when would you turn  
 15 on the lights?  
 16 A Probably 8.  
 17 Q Around 8:00?  
 18 A Uh-huh.  
 19 Q And then what would happen in an average  
 20 day?  
 21 A On an average day, I just kind of go through  
 22 and say hi to everybody.  
 23 Q At 8:00 you walk through and say hi to  
 24 everybody?  
 25 A Yeah, because I go down, turn the lights on

Page 303

1 A Actually, I don't know if there's any in  
 2 there. I know there's some in my containers that I  
 3 fixed up this morning, but I don't know. It depends  
 4 on if they gave them any. They like -- they like  
 5 it. It's fun.  
 6 Q So you might be out of it tomorrow?  
 7 A Well, if I do, there's some fruit punch in  
 8 the cooler. There's also some Gatorade.  
 9 Q So that happens around what time when you're  
 10 squirting the Kool-Aid or the Gatorade?  
 11 A In the morning when I go through, so  
 12 roughly -- I'll say roughly 8, 8:15, 8:00 maybe.  
 13 Q Okay. And then what happens?  
 14 A Depends on how bad the cages are, if I need  
 15 to move somebody to start spot cleaning.  
 16 Q Approximately what time do you start spot  
 17 cleaning?  
 18 A That varies too.  
 19 Q Approximately?  
 20 A If they have -- because I give them monkey  
 21 chow in the evening. If there happens to be monkey  
 22 chow left still in their baskets, then I don't give  
 23 them any more. If there isn't monkey chow, then  
 24 I'll go through and give them some monkey chow so  
 25 they can be eating while I'm spot cleaning the

Page 305

1 cages.  
2 Q So you might be feeding them and then you do  
3 spot cleaning?  
4 A Uh-huh.  
5 Q Yes?  
6 A Yes.  
7 Q How long does it take you to spot clean an  
8 average cage?  
9 A I've never timed it. It depends on what  
10 they've eaten, what they've drank, how much they  
11 have feces or urine.  
12 Q Okay. And what happens after the spot  
13 cleaning? How long does that typically take?  
14 A Well, I don't know. It takes off and on all  
15 day I'm probably spot cleaning because you block  
16 them on this side, spot clean this cage, move them  
17 back over, and then sometimes I give them some extra  
18 treats, move them back over. Then you move them,  
19 whoever, into another cage to spot clean. I forgot  
20 to say usually I'll check inside to see which cages  
21 need spot cleaning. I go back into what I call the  
22 pink room and hose down those cages.  
23 Q Right. You do that before or after you're  
24 done with the spot cleaning?  
25 A It just depends on which -- it depends on

Page 306

1 A Because sometimes I'll go through and give  
2 them treats, or if somebody else is there, they'll  
3 go through and give them treats. A lot of times  
4 Debbie will bring little Ziploc bags with frozen  
5 fruit in it, so sometimes they get that. You know,  
6 there's stuffed animals, there's toys, there's  
7 dolls, there's toothbrushes, theirs hair brushes, so  
8 it just depends on when you give them what.  
9 Sometimes I give them two things at one time.  
10 Sometimes I'll just go through and give everybody a  
11 glove to put on and they play with them for a long  
12 time.  
13 Q What do you have planned for tomorrow in  
14 terms of enrichment?  
15 A Actually, I'm not really sure. It depends  
16 on for sure what they've done today.  
17 Q How does that depend on what they've done  
18 today?  
19 A It depends on what they gave them today, if  
20 they gave them toothbrushes or if they gave them  
21 hair brushes.  
22 Q You don't know -- you didn't give them any  
23 instructions? It's just up to them to figure out  
24 what they want to do for enrichment?  
25 A Yeah, because a lot of times when somebody

Page 308

1 whether they're moved or which one needs done the  
2 worst.  
3 Q So you're figuring out who needs it done the  
4 worst and you start with that, and then you spend  
5 your day spot cleaning and hosing down cages?  
6 A Uh-huh.  
7 Q Yes?  
8 A Yes, yes.  
9 Q And how long does that take until you're  
10 done with the cleaning?  
11 A Sometimes I'm not done with the cleaning  
12 until later in the evening because you can't clean  
13 all the cages at one time.  
14 Q Right, because it's just you? There's only  
15 so much you can do in a day?  
16 A It's not always just me, but a lot of times  
17 it's just me. It goes faster if there's another  
18 volunteer there, but if there's not, it takes me  
19 longer.  
20 Q Right. And what else is done on a typical  
21 day?  
22 A Usually they get enrichment.  
23 Q When does that happen?  
24 A It varies.  
25 Q Approximately?

Page 307

1 else is there, they're playing and chasing and  
2 tickling and doing other things, so I think -- let's  
3 see, there's toys there that they can give them.  
4 Q So you don't know yet for tomorrow what the  
5 enrichment will be?  
6 A No.  
7 Q Do you know what the food will be tomorrow?  
8 A It depends on what produce was picked up  
9 this evening, part of it.  
10 Q Do you know --  
11 A I know they'll get monkey chow. I know  
12 they'll get granola.  
13 Q How does it get determined what produce is  
14 picked up at any given night?  
15 A I guess whatever they have available.  
16 Q So whatever they have available is whatever  
17 they would be fed?  
18 A Well, yeah, unless I have to supplement it,  
19 but most of the time I don't.  
20 Q When you say whatever they have available,  
21 is that the supermarket who you pick up from every  
22 night?  
23 A Uh-huh.  
24 Q Yes?  
25 A Yes, ma'am.

Page 309

<p>1 Q And how do they decide what it is that they 2 give you?</p> <p>3 A Either ripe stuff or what they pull off the 4 shelf that day.</p> <p>5 Q And sometimes what they give you is moldy or 6 decaying and has to be thrown out?</p> <p>7 A Sometimes you have to go through the stuff.</p> <p>8 Q Right. Do you give them receipts?</p> <p>9 A Receipts?</p> <p>10 Q Yes, for donations.</p> <p>11 A No.</p> <p>12 Q All right. Going back to you said you do 13 spot cleaning, you hose down cages, you provide 14 enrichment, but you don't know yet what the 15 enrichment will be for tomorrow?</p> <p>16 A No.</p> <p>17 Q And you don't know what the food will be for 18 tomorrow because that depends on whatever gets 19 picked up today?</p> <p>20 A Yeah, but I know there's apples, there was 21 still apples, there was still oranges, there was 22 still broccoli, there was still lettuce when I left 23 this morning.</p> <p>24 Q And that's in the refrigerator?</p> <p>25 A It was in the cooler.</p>	<p>1 And I'm not sure -- I can't remember what else was 2 in there. It depends on if there's any of that 3 left, and like I said, I have to pick up produce 4 when I leave here.</p> <p>5 Q How much time do you spend usually providing 6 enrichment?</p> <p>7 A That's -- I don't know how to break that 8 down other than the play time, putting in the stuff. 9 I don't know. Roughly altogether for the whole day 10 an hour or two.</p> <p>11 Q During what period of time do you usually do 12 that?</p> <p>13 A In between feeding and in between cleaning 14 the cages.</p> <p>15 Q During what period of the day roughly?</p> <p>16 A It -- it varies on what else is done. I 17 don't have a set schedule. I told you that.</p> <p>18 Q So tomorrow you don't know when you expect 19 to provide enrichment?</p> <p>20 A When do you want me to? Do you want me to 21 do it when you're there? Do you want me to do it at 22 9:00? Do you want me to do it at 10:00? I'll do it 23 whenever you want me to, if the chimps are not 24 acting up and throwing stuff at you.</p> <p>25 Q Well, it's not what I want. The question is</p>
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Page 310

Page 312

<p>1 Q Okay. When is it decided what they will eat 2 tomorrow? When does that get decided what they will 3 be fed tomorrow?</p> <p>4 A Normally, basically, the ideal is four 5 apples, four oranges, lettuce, and then either -- 6 whatever else is there. Celery, cucumber, carrots, 7 grapes, pears. It's whatever is there and 8 available.</p> <p>9 Q So you don't know sitting here today what 10 the food will consist of tomorrow?</p> <p>11 A A hundred percent, no.</p> <p>12 Q Any lesser percentage?</p> <p>13 A Any what?</p> <p>14 Q Lesser percentage? You said -- I didn't ask 15 you about whether you know 100 percent or whatever. 16 You don't know sitting here today what the food will 17 consist of tomorrow? Do you know it approximately? 18 Do you know it approximately?</p> <p>19 A Approximately the same thing they got today 20 approximately.</p> <p>21 Q What did they get today?</p> <p>22 A Well, what they -- what they fed today was 23 there's apples, there's oranges, there was lettuce, 24 there was cucumbers, there was carrots, there was 25 broccoli and eggplant, but they don't like eggplant.</p>	<p>1 when do you expect to provide enrichment tomorrow?</p> <p>2 A I'll do it at 7:00 in the morning before you 3 get there. Is that okay?</p> <p>4 Q Is that what you expect to do tomorrow?</p> <p>5 A No, not really. I'm sorry. I was being 6 sarcastic.</p> <p>7 Q I'm trying to find out what your typical day 8 with the chimpanzees --</p> <p>9 A And I apologize. I was being sarcastic.</p> <p>10 MS. CHAMPION: Just for the record tomorrow 11 is certainly not going to be a typical day, so why 12 don't you tell her what a typical day is because 13 you're worried about trying to explain tomorrow. 14 Why don't you do a typical day.</p> <p>15 THE WITNESS: I thought that's what I was 16 trying to do.</p> <p>17 Q (By Ms. Bernstein) Right. And you said 18 approximately an hour, and I said when does that 19 typically happen?</p> <p>20 A But I don't -- I don't spend one hour 21 usually at one time. I might do ten minutes here 22 and then go do something else and do another five 23 minutes here and then go do something else and then 24 come back.</p> <p>25 Q So would it be fair to say you have control</p>
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Page 311

Page 313

79 (Pages 310 - 313)

1 over when you do what? You're not bound to a  
2 particular schedule; is that accurate?  
3 A Right.  
4 Q Okay. So when you decide to provide  
5 enrichment, you're free to do it because there isn't  
6 a set schedule that you have to do certain things?  
7 A Right.  
8 Q And it's the same with, you know, when you  
9 do the cleaning, you're in control of your schedule,  
10 and there is no written permanent schedule that you  
11 have to adhere to; is that right?  
12 A You know what? To a certain extent I'm in  
13 control. To a certain extent the animal is in  
14 control because whatever time it takes me to clean  
15 the cages, that's the controlling factor. Sometimes  
16 the cages are dirtier than they were the day before.  
17 Q Who is doing the cleaning today?  
18 A The ones that's at the house.  
19 Q And they're familiar with how to do the  
20 cleaning properly?  
21 A Yes.  
22 Q You recently purchased, fairly recently, new  
23 hammocks and swings?  
24 A I recently purchased new hammocks?  
25 Q Did you recently purchase new hammocks and

Page 314

1 Q (By Ms. Bernstein) Right, but not all of it?  
2 A Not 100 percent, no.  
3 Q Can you give me a budget breakdown for your  
4 average monthly expenses in which you actually count  
5 these additional expenses that you do pay for out of  
6 your own pocket like medicine, lab tests, veterinary  
7 bills, enrichment items? Do you have a breakdown of  
8 that?  
9 A No, because most of the enrichment is  
10 donated.  
11 Q Right, you said that, but not all of it is  
12 donated. Not all the veterinary care is donated.  
13 Not all of the medicine is donated, and I'm asking  
14 what is the monthly budget for those items that are  
15 not donated?  
16 A Monthly?  
17 Q Yes. Per chimpanzee, what is the budget?  
18 A I would say an average of \$25.  
19 Q So the average budget per chimpanzee for --  
20 for what is \$25? What does that cover?  
21 A I would say that would cover everything,  
22 everything. Enrichment, if there's any medical.  
23 Q So food, enrichment, veterinary care per  
24 chimpanzee per month costs \$25?  
25 A All right. You have a copy of the

Page 316

1 swings?  
2 A No.  
3 Q Did you recently install new hammocks and  
4 swings?  
5 A Swings? No.  
6 Q Hammocks?  
7 A I installed two new hammocks but they're  
8 already tore down.  
9 Q And who supplied the hammocks?  
10 A Debbie Marshall.  
11 Q And you also installed like barrels?  
12 A Uh-huh.  
13 Q Yes, for each of the chimpanzees?  
14 A Well, the chimps always had barrels, but I  
15 did buy some new ones.  
16 Q You bought some new ones?  
17 A Uh-huh.  
18 Q So it would be false to say that all the  
19 enrichment is donated?  
20 A Not all of it, but 99 percent of it is.  
21 Q And it would be false to say that all the  
22 veterinary care is donated; is that right?  
23 MS. CHAMPION: I object as asked and  
24 answered. You can answer it again.  
25 A 99 percent of it is donated.

Page 315

1 breakdown, don't you?  
2 Q I'm asking you sitting here.  
3 A Can I -- can I look at it so I can verify  
4 it?  
5 Q I'm asking you what is the amount for one  
6 chimpanzee per month that you spend on everything,  
7 which includes food, medicine, veterinary care,  
8 enrichment, what is your monthly budget per  
9 chimpanzee?  
10 A I don't know. I would have to figure it up.  
11 I don't remember.  
12 Q All right. What are -- Do you have any  
13 records that would show that?  
14 A I know what I buy.  
15 Q Do you keep records of what you buy, of your  
16 receipts?  
17 A Sometimes.  
18 Q How much money did you spend last month on  
19 medicine for Kimmy and for Tammy?  
20 A Tammy wasn't alive last month, so I didn't  
21 spend no medicine on her last month.  
22 Q Tammy wasn't alive last month?  
23 A Tammy was not alive last month.  
24 Q When did Tammy die?  
25 A You've got it on your records.

Page 317

<p>1 Q Tammy died?</p> <p>2 A I'm sorry. I apologize. You got me --</p> <p>3 Q Kimmy?</p> <p>4 A Kimmy.</p> <p>5 Q Kimmy was not alive in September?</p> <p>6 A Kimmy was. I'm sorry. I said I apologize.</p> <p>7 Q Kimmy was not alive in September?</p> <p>8 A Kimmy -- did I just apologize to you? You</p> <p>9 got me confused. Kimmy was alive last -- Kimmy died</p> <p>10 October the 18th.</p> <p>11 Q September 18th.</p> <p>12 A October the -- okay, you're right. You're</p> <p>13 right.</p> <p>14 Q Kimmy was alive, so --</p> <p>15 A What is today?</p> <p>16 MS. CHAMPION: The 29th.</p> <p>17 MS. BERNSTEIN: It's September -- October</p> <p>18 29th.</p> <p>19 Q (By Ms. Bernstein) And the question is how</p> <p>20 much money did you spend on --</p> <p>21 A Kimmy's medicine?</p> <p>22 Q How much did you spend on medicine for Kimmy</p> <p>23 and for Tammy during the month of September?</p> <p>24 A Tammy wasn't sick in September.</p> <p>25 Q Okay. How much money did you spend for</p>	<p>1 month?</p> <p>2 A Uh-huh.</p> <p>3 Q That was not included in your monthly budget</p> <p>4 for some reason. Do you know why?</p> <p>5 A I paid for the antibiotics, and I have not</p> <p>6 paid Dr. Jones yet.</p> <p>7 Q Right. But you expect to pay him?</p> <p>8 A Yeah, he'll get paid.</p> <p>9 Q Right. So why was that amount not included</p> <p>10 in your average monthly expense?</p> <p>11 A Because how do you predict it? I don't</p> <p>12 know. I don't know tomorrow if I'm going to get a</p> <p>13 cold or sick or have to go to the doctor. I didn't</p> <p>14 know she was going to get sick.</p> <p>15 Q So the budget varies depending on, you know,</p> <p>16 animals getting sick?</p> <p>17 A Oh, I would say, yeah.</p> <p>18 Q So -- but your budget did not factor into</p> <p>19 any animal getting sick or needing any medicine;</p> <p>20 isn't that right?</p> <p>21 A You know what? It will get paid. I can put</p> <p>22 it on my credit card and I'll eventually get it paid</p> <p>23 off. I do not have a set fund that says medical use</p> <p>24 only.</p> <p>25 Q Well, we asked you to provide a breakdown</p>
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Page 318

Page 320

<p>1 Kimmy during the month of September for medicine?</p> <p>2 A I think the amoxicillin was -- I don't know.</p> <p>3 I'm thinking it was like 12 bucks, and the other</p> <p>4 medicine, the gabapentin and -- I can't remember</p> <p>5 what it was. Doxycycline or something.</p> <p>6 Q How much was that?</p> <p>7 A I didn't pay for it.</p> <p>8 Q So you paid the \$12 for one of the</p> <p>9 medicines?</p> <p>10 A For the amoxicillin. That was for her foot.</p> <p>11 QOkay. How much did you pay last month for</p> <p>12 veterinary care and treatment for Tammy -- I mean</p> <p>13 for Kimmy?</p> <p>14 A I haven't paid anything.</p> <p>15 Q What was the amount of bills that you got</p> <p>16 from Dr. Jones and Dr. Pernikoff?</p> <p>17 A The bill for Dr. Jones was a hundred and --</p> <p>18 it was less than \$190, I think. I think it was</p> <p>19 \$187.</p> <p>20 QOkay. And what was Dr. Pernikoff's bill?</p> <p>21 A I haven't got a bill.</p> <p>22 QDo you expect to get a bill?</p> <p>23 ADoug has been very generous about treating</p> <p>24 the chimps and has not billed me in the past.</p> <p>25 QSo it was a little under \$200 for Kimmy last</p>	<p>1 for your average monthly expenses for keeping a</p> <p>2 chimpanzee.</p> <p>3 A And I wrote it down.</p> <p>4 Q Right. And none of your average monthly</p> <p>5 expenses included any costs for any medication. How</p> <p>6 do you explain that?</p> <p>7 A Because I haven't had to have that much</p> <p>8 medication.</p> <p>9 Q Well, but you have had medication; even last</p> <p>10 month you did?</p> <p>11 A Yes, but six months before that I hadn't.</p> <p>12 Q And you did not include the expenses of your</p> <p>13 veterinary bills; right? You did not provide that</p> <p>14 to us either?</p> <p>15 A I didn't have a bill when you asked for it.</p> <p>16 Q You had average expenses --</p> <p>17 MS. CHAMPION: Do you have a question?</p> <p>18 Because I'm not going to let you --</p> <p>19 MS. BERNSTEIN: You're interrupting me.</p> <p>20 MS. CHAMPION: I don't care. I'm not going</p> <p>21 to let you sit here and yell at her either. Ask</p> <p>22 your question instead of blaming her for what she's</p> <p>23 done or not. Just ask your question. You're out of</p> <p>24 time anyway, so ask your question.</p> <p>25 MS. BERNSTEIN: If you would not interrupt</p>
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Page 319

Page 321

81 (Pages 318 - 321)

1 me, I would get to ask my question.  
2 MS. CHAMPION: I'll be more patient and  
3 listen.  
4 Q (By Ms. Bernstein) You've had average  
5 expenses in the past that included veterinary bills;  
6 isn't that right?  
7 A Some.  
8 Q Right.  
9 A Very little.  
10 Q How much?  
11 A I can't tell you because it's been very  
12 little.  
13 Q Did you try to find out?  
14 A I -- when you asked for that breakdown, the  
15 average monthly expenses, I did not figure in  
16 veterinarian or if I had -- I wasn't expecting  
17 anybody to get sick. The medicine was paid for.  
18 What else do you want?  
19 Q So you don't expect any of your chimpanzees  
20 to get sick?  
21 A I'm praying they don't get sick just like  
22 I'm praying I don't get sick.  
23 Q But you don't account for -- in your average  
24 monthly budget, you don't set any money aside or you  
25 don't expect to be spending any money on veterinary

Page 322

1 A I don't know if they --  
2 Q (By Ms. Bernstein) You don't know whether  
3 they informed you that Tammy and Crystal appeared to  
4 be excessive groomers? You don't know that?  
5 A I know what they wrote on the report.  
6 Q Right.  
7 A I know they do not know my chimps. I know  
8 that they don't deal with chimps every day like I  
9 do, and I'm telling you they were not excessive  
10 groomers. They may have had a problem where they  
11 overgroom, maybe of stress, maybe aggravation, maybe  
12 their partner overgroomed. Sometimes when the  
13 females cycle they sit and overgroom. Grooming is a  
14 everyday occurrence in chimpanzees. That's social.  
15 Q So you disagree with the USDA's inspector's  
16 assessments?  
17 A Yes, I do.  
18 Q And did you discuss the inspector's  
19 assessment with Dr. Pernikoff or any other  
20 veterinarian?  
21 A I did talk to him about it because -- well,  
22 but I don't think it was over the chimps. I think  
23 it was over Leona and actually my old 54-year-old  
24 capuchin that had a bare spot by her tail where she  
25 sits.

Page 324

1 care?  
2 A I hope not.  
3 Q Are you aware that excessive grooming is  
4 sometimes a lack of mental stimulation?  
5 A Yes. I'm not stupid.  
6 Q And Kimmy was an excessive groomer?  
7 A No, she was not.  
8 MS. CHAMPION: I object as asked and  
9 answered.  
10 Q (By Ms. Bernstein) She picked at herself?  
11 A She picked at her toe, a sore toe. She was  
12 not an excessive groomer.  
13 Q I'm asking.  
14 A I'm telling you.  
15 Q The USDA previously said that Tammy and  
16 Crystal appeared to be excessive groomers. Do you  
17 recall that?  
18 A You know what? I totally disagree with what  
19 they wrote down. They were not excessive groomers.  
20 Q The question is they told you they were;  
21 right?  
22 A They do not know. They weren't there every  
23 day.  
24 MS. CHAMPION: She's asking you whether they  
25 said it.

Page 323

1 Q But you never worked with Dr. Pernikoff to  
2 specifically address Crystal's or Tammy's grooming  
3 or hair loss?  
4 A I think I told you -- no, I probably didn't.  
5 I might have discussed it with Doug. Crystal went  
6 through a small period where she overgroomed when  
7 she lost her mom.  
8 Q My question was did you --  
9 A No, I didn't discuss it. I think we  
10 probably discussed it with Doug. I don't know that  
11 there was anything really done other than trying to  
12 give her a little bit extra attention because that's  
13 stressful losing your mom.  
14 Q Did you work with Dr. Pernikoff to develop  
15 and follow a plan for Tammy and Crystal to address  
16 their hair loss?  
17 A You know what? I've talked with Doug on  
18 many different occasions. We've discussed different  
19 things. He would always say you know as much as I  
20 do, Connie. You're the one that deals with these  
21 chimps. I suggest this. Here's a few other things  
22 you could do. I don't have something written down  
23 that he told me that, but I'm telling you we  
24 discussed it.  
25 Q What did Dr. Pernikoff instruct or direct

Page 325

1 that specifically addressed Tammy's and Crystal's  
2 hair loss?  
3 A Just to give them extra attention and try to  
4 distract them. You know, one of the things is  
5 painting their fingernails to get them to be looking  
6 at something else other than grooming.  
7 Q Is that what Dr. Pernikoff instructed you to  
8 do?  
9 A I think he suggested I could do that.  
10 Sometimes they, you know, smear peanut butter on  
11 their fur, something to get them distracted besides  
12 pulling their hair.  
13 Q Right. And did you do that?  
14 A Yes.  
15 Q For Tammy and Crystal?  
16 A Crystal wouldn't let me paint her  
17 fingernails.  
18 Q What did you do for Crystal to address --  
19 that Dr. Pernikoff directed you to do to address her  
20 hair loss?  
21 A You know --  
22 Q And I don't want you to speculate unless you  
23 remember specifically what you did in response to  
24 Dr. Pernikoff's instruction?  
25 A Dr. Pernikoff was just giving me ideas.

Page 326

1 A I don't think she does.  
2 Q You're not sure?  
3 A She didn't this morning.  
4 Q Okay. Do you recall the USDA previously  
5 sent you a letter summarizing a list of recurrent  
6 noncompliant items that you failed to do?  
7 A I recall, yes, but it wasn't that it was  
8 failed to do. It was done and then recurred.  
9 Q You don't recall that the USDA sent you a  
10 letter complaining about the repeated failure to  
11 provide a plan addressing the special needs of  
12 nonhuman primates that show signs of being in  
13 distress?  
14 A Are you talking about Leona, the baboon that  
15 pulled her hair?  
16 Q Not just Leona.  
17 A And --  
18 Q Do you recall --  
19 A Cocoa.  
20 Q Do you recall the USDA complaint about your  
21 repeated failure to provide a plan addressing the  
22 special needs of nonhuman primates that show signs  
23 of being in distress?  
24 MS. CHAMPION: I would ask that she be given  
25 the document. Plus, I want to just go on the record

Page 328

1 didn't say do this, do this, do this. Here's ideas,  
2 Connie. Maybe you could try some of these or use  
3 some of these. I don't have something written down  
4 where he said do this, do this, do this. It was  
5 suggestions.  
6 Q So did you follow his suggestions?  
7 A Yes.  
8 Q What were some of the suggestions for  
9 addressing Crystal's hair loss?  
10 A Just trying to play with her, trying to  
11 interact with her, trying to -- even spraying her  
12 with water, putting something on her fur to get her  
13 sidetracked for something else, you know. Something  
14 to try to get her to keep from being -- pulling her  
15 hair.  
16 Q Right. And what did you do that helped?  
17 A I told you.  
18 Q Did it help?  
19 A No.  
20 Q It did not help?  
21 A No. Finally her hair grew back and she  
22 stopped grooming. She stopped overgrooming. I'd  
23 probably pull my hair out too if my mom died.  
24 Q And currently Crystal has no hair loss  
25 anywhere on her body?

Page 327

1 saying I've given almost seven hours and a half, and  
2 we're getting ready to end this. I gave you extra  
3 time because during this we provided, oh, probably a  
4 handful of pages, probably three or four pages from  
5 the USDA, a calendar, a copy of photos from a  
6 calendar, a letter which you've already asked her  
7 about, a one-page -- what appears to be a list of  
8 things to do daily, and then I think a  
9 re-presentation of the enrichment notes, and the  
10 rest of those have not been addressed during this,  
11 but I think we're out of time. How much longer do  
12 you think you have?

13 MS. BERNSTEIN: Well, let me say this.  
14 First of all, the information we received today I  
15 did not have a chance to review and did not have a  
16 chance therefore to ask questions.

17 MS. CHAMPION: We're happy to take a break  
18 and let you do that if you want to ask additional  
19 questions about that. We have taken a couple breaks  
20 since then.

21 MS. BERNSTEIN: Well, certainly that is not  
22 adequate. I also -- we identified a wide variety of  
23 records that are still outstanding. I will not be  
24 able to obviously ask about those matters either  
25 because we have requested it, they have not been

Page 329

1 produced, so there is no way I can finish my  
2 deposition. I can suspend it and we reserve the  
3 right to call this witness back so that we have an  
4 adequate opportunity to review and analyze and  
5 obtain the full record.

6 MS. CHAMPION: What records do you think  
7 you're missing? I know photos and e-mails that you  
8 all talked about. What else do you know of that  
9 you're missing?

10 MS. BERNSTEIN: I sent several e-mails  
11 detailing what's missing.

12 MS. CHAMPION: My question to you is what do  
13 you know exists? I know you've asked us for  
14 videotapes, which we haven't been able to identify.

15 MS. BERNSTEIN: I sent several e-mails with  
16 bullet points of what is missing, and those things  
17 are still missing.

18 MS. CHAMPION: Do you know what records  
19 you're talking about?

20 MS. BERNSTEIN: Yes.

21 MS. CHAMPION: What records are missing?

22 MS. BERNSTEIN: The ones that I identified  
23 in my e-mail.

24 MS. CHAMPION: Including?

25 MS. BERNSTEIN: I cannot off the top of my

Page 330

1 MS. CHAMPION: But we didn't have the  
2 calendar that --

3 MS. BERNSTEIN: The only thing that you  
4 produced today that was already produced was what I  
5 already asked about.

6 MS. CHAMPION: You didn't have that purple  
7 folder.

8 MS. BERNSTEIN: We did not have the folder.

9 MS. CHAMPION: We couldn't --

10 MS. BERNSTEIN: We did not have the  
11 enrichment log. We did not have the calendar. We  
12 don't have any previous calendars. We do not  
13 have -- there was a chart of things to do. We did  
14 not have --

15 MS. CHAMPION: You should have had -- you're  
16 saying you didn't have a previous enrichment  
17 calendar?

18 MS. BERNSTEIN: If you would check my  
19 e-mail, it said it ended in December of 2016.

20 MS. CHAMPION: Right. So that's what you  
21 got today is the --

22 MS. BERNSTEIN: We did not get that. I am  
23 telling you that the only thing that you provided  
24 today that we already saw previously was the list --

25 MS. CHAMPION: The letter.

Page 332

1 head give you the complete list.

2 MS. CHAMPION: Okay.

3 MS. BERNSTEIN: I will just refer you to  
4 e-mails I sent repeatedly asking for those things.

5 MS. CHAMPION: Okay. I'll look at that  
6 again, but I think we've answered since then as to  
7 what we have.

8 Anyway, my point is simply this. I  
9 understand that you still need e-mails and photos,  
10 and to the extent that there are follow-up regarding  
11 the things that are going to be subsequently  
12 provided to you, assuming that there are these  
13 things, obviously you'll need to do your follow-up  
14 on those, but we would object to anything that goes  
15 beyond anything you haven't already seen. And I  
16 understand as well that you've asked her certain  
17 questions about some of the records we've produced,  
18 so you had a chance to look at some of it.

19 MS. BERNSTEIN: No, no. What I asked were  
20 about documents that were previously produced that  
21 were re-produced today.

22 MS. CHAMPION: Yeah, I think most of what  
23 we've produced to you today was re-produced.

24 MR. GOODMAN: No.

25 MS. BERNSTEIN: No.

Page 331

1 MS. BERNSTEIN: -- of -- that Vito sent, and  
2 of course I was prepared about that because we had  
3 that previously.

4 MS. CHAMPION: Got it.

5 MS. BERNSTEIN: We did not have a chance of  
6 that. To this day apparently this witness did not  
7 search her e-mail account.

8 MS. CHAMPION: Yeah, we've already talked  
9 about that.

10 MS. BERNSTEIN: She clearly e-mails with  
11 Dr. Pernikoff. She has the statement of the -- she  
12 has the statement in her possession that was -- we  
13 have asked for this for a long time.

14 THE WITNESS: What statement?

15 MS. CHAMPION: She's talking about the  
16 statement that you referenced in that article she  
17 gave you.

18 MS. BERNSTEIN: Right. That your attorney  
19 sent you, that you reviewed, you've received  
20 e-mails. You e-mailed with Dr. Pernikoff. None of  
21 the e-mails were reviewed. None of them were put on  
22 a log or produced.

23 So it would be the e-mails. It would be --  
24 you know, there was testimony and I wrote -- I wrote  
25 both of you an e-mail. There was testimony that

Page 333

1 Ms. Casey apparently supposedly received threatening  
2 e-mails about the chimpanzees. Supposedly --  
3 THE WITNESS: Many times because of my phone  
4 number and my address was put on PETA Facebook  
5 saying, Call Ms. Casey. Tell her to get rid of  
6 these chimps. Send them to an approved sanctuary.  
7 Not only did people call that, there were people  
8 calling day and night every time of the day telling  
9 me low-life crumb bag, slut bag, get off my fat ass  
10 and get a real job, you know, go to hell, Ms. Casey,  
11 all this shit which would not have come in if it  
12 wasn't for PETA putting my phone number, my address  
13 on their website with pictures that was not  
14 adequately presented.

15 MS. BERNSTEIN: We have requested those  
16 records again and again.

17 MS. CHAMPION: Okay. E-mails and photos, I  
18 just wrote down the statement, if there's other  
19 things, and then you're saying the texts, the  
20 threats, the text messages.

21 THE WITNESS: I don't have the threats  
22 because my phone, they would come in on my phone and  
23 my phone was zapped. Everything was wiped out on  
24 it.

25 MS. BERNSTEIN: There's a list of things

1 I declare under penalty of perjury  
2 under the laws that the foregoing is  
3 true and correct.

4  
5 Executed on \_\_\_\_\_, 20\_\_\_\_,  
6 at \_\_\_\_\_.

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10  
11 CONNIE BRAUN CASEY  
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Page 334

Page 336

1 that we haven't gotten obviously. We didn't even  
2 get any time for Dr. Pernikoff's deposition, which  
3 apparently now is becoming critical because there's  
4 completely different testimony about certain things,  
5 so we would appreciate to get those records and to  
6 have a date when we can resume for purposes of  
7 including all the stuff that should have been  
8 produced that was not. Other than that, I'm  
9 suspending the deposition at this point.

10 MS. CHAMPION: Sounds good.

11 MS. BERNSTEIN: Reserving all the rights.

12 MS. CHAMPION: And we would also reserve our  
13 right to object, but we'll talk about that further.

14 MS. BERNSTEIN: Of course. We're off the  
15 record.

16 THE VIDEOGRAPHER: We're going off the  
17 record. This concludes today's testimony given by  
18 Connie Braun Casey. The time is 5:42.

19 (Deposition adjourned.)

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1 State of Missouri  
2 SS.  
3 County of St. Louis  
4 I, Kristine A. Toennies, a Notary Public in and  
5 for the State of Missouri, duly commissioned,  
6 qualified and authorized to administer oaths and to  
7 certify to depositions, do hereby certify that  
8 pursuant to Notice in the civil cause now pending  
9 and undetermined in the United States District  
10 Court, Eastern District of Missouri, to be used in  
11 the trial of said cause in said court, I was  
12 attended at the offices of Rynearson, Suess,  
13 Schnurbusch & Champion, LLC, 500 N. Broadway, Suite  
14 1550, in the City of St. Louis, State of Missouri,  
15 by the aforesaid attorneys; on the 29th day of  
16 October, 2018.

17 The said witness, being of sound mind and being  
18 by me first carefully examined and duly cautioned  
19 and sworn to testify the truth, the whole truth, and  
20 nothing but the truth in the case aforesaid,  
21 thereupon testified as is shown in the foregoing  
22 transcript, said testimony being by me reported in  
23 shorthand and caused to be transcribed into  
24 typewriting, and that the foregoing pages correctly  
25 set forth the testimony of the aforementioned

Page 335

Page 337

85 (Pages 334 - 337)

1 witness, together with the questions propounded by  
2 counsel and remarks and objections of counsel  
3 thereto, and is in all respects a full, true,  
4 correct and complete transcript of the questions  
5 propounded to and the answers given by said witness;  
6 that signature of the deponent was not waived by  
7 agreement of counsel.

8 I further certify that I am not of counsel or  
9 attorney for either of the parties to said suit, not  
10 related to nor interested in any of the parties or  
11 their attorneys.

12 Witness my hand and notarial seal at St. Louis,  
13 Missouri, this 15th day of November, 2018.

14 My Commission expires February 13, 2022.

15

16

17 *Kathy A. Harrold*  
18 Notary Public in and for the  
19 State of Missouri

20

21

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Page 338

[& - 5]

&	<b>1536</b> 2:15	<b>2015</b> 25:6,7 35:23	<b>29th</b> 1:18 318:16 318:18 337:15
& 1:16,20 2:5 4:20 337:13	<b>1550</b> 1:17 2:6 337:14	41:3,21 141:4,21 142:21 165:13 166:2 215:14	<b>2:26</b> 196:4 <b>2:40</b> 196:7
0	<b>15th</b> 338:13	<b>2016</b> 18:4 24:7,11	<b>3</b>
<b>00377</b> 78:9 <b>00381</b> 188:23 <b>02163</b> 1:7 4:18 <b>08</b> 76:19	<b>16</b> 165:14 215:4 <b>16525</b> 338:17 <b>16th</b> 2:15 <b>18</b> 30:19 188:3 <b>187</b> 319:19 <b>18th</b> 157:13 318:10,11 <b>19</b> 210:10,14 215:3 <b>190</b> 319:18 <b>196</b> 3:15 <b>1986</b> 154:23 155:21,23 <b>1:05</b> 163:23 <b>1:47</b> 164:2	24:16 25:8 26:11 26:13 34:16 35:22 39:13 41:3,22 137:16 156:11 166:2 184:24 210:1,3 215:15 216:7 332:19 <b>2017</b> 28:13 29:1,5 30:19 32:10 34:19 35:1 121:4 184:23 184:24 194:24 <b>2018</b> 1:18 4:3 98:9 153:15 156:7 161:8 184:23,24 185:24 186:18 187:2,14 190:11 199:10 200:3,11 200:20 201:13,24 202:5,11,20 203:17,21,24 204:3,17,22 205:2 210:9,13 337:16 338:13 <b>202</b> 2:17 <b>2022</b> 338:14 <b>22</b> 24:7 <b>237</b> 3:16 <b>24</b> 207:24 <b>25</b> 161:17 277:19 277:21 278:21 316:18,20,24 <b>27</b> 34:9,17 35:1 76:19 208:22 210:6 <b>29</b> 4:2	<b>3</b> 3:12 63:16,20 66:23 71:25 108:11 143:21 148:17 179:3,4 188:18,23 189:2,4 189:5,6 220:2 <b>3.75</b> 206:1 <b>3/25/08</b> 241:23 <b>3/27/08</b> 241:24 <b>30</b> 3:10 154:23 252:19 <b>300</b> 220:7 <b>3027726</b> 1:24 <b>314</b> 2:8 <b>32</b> 3:11 149:20 <b>338</b> 1:25 <b>37</b> 208:21 <b>3:54</b> 254:24
1	2		<b>4</b>
<b>1</b> 1:25 3:10 30:14 30:15,18 188:12 188:17,17 <b>1,250</b> 50:18,19 <b>1,300</b> 51:17 <b>1,500</b> 51:19 <b>1/18/18</b> 195:10 <b>10</b> 210:13 275:13 275:14 <b>10,000</b> 54:22 55:17 55:20 56:1 <b>100</b> 168:2 202:9 311:15 316:2 <b>103</b> 3:14 <b>10:00</b> 312:22 <b>10:52</b> 80:12 <b>10th</b> 210:20 <b>11</b> 210:20 <b>110</b> 143:22 144:2,7 144:11,12,18 145:5,11 <b>11:05</b> 80:16 <b>12</b> 207:23 319:3,8 <b>120</b> 161:16 <b>12338</b> 6:3 <b>13</b> 338:14 <b>14:50</b> 241:6 <b>14th</b> 153:14 <b>15</b> 51:18 207:24 215:3	<b>2</b> 3:11 18:4 32:5,6 32:9 188:19,20,21 <b>20</b> 29:5 32:10 210:5 299:1 336:5 <b>200</b> 52:6 211:23 222:22 282:18 319:25 <b>2000</b> 52:18 53:17 54:24 55:5,14 58:12 <b>20036</b> 2:16 <b>2007</b> 53:9 <b>2008</b> 77:14 185:9 185:14,15 191:21 192:3 206:20 207:5,6 243:5 244:23 <b>2008/03/25</b> 241:6 <b>2009</b> 108:13 185:15 <b>2011</b> 114:15	<b>4</b> 3:13 76:6,9 185:1 186:6,13 187:2 188:7,12,17 188:18,19,20,21 188:24 189:2,4,5,6 189:16 <b>400</b> 49:19 220:3 <b>421-4430</b> 2:8 <b>45</b> 80:8 255:8 <b>483-2190</b> 2:17 <b>4:06</b> 255:3 <b>4:16</b> 1:7 4:18	
5			<b>5</b>
			<b>5</b> 3:4,14 103:17,20 114:16 207:23

[50 - administered]

<b>50</b> 183:22,24 184:10 207:25 250:9 255:11,15 255:23,25	<b>80</b> 255:8,11,15,23 <b>86</b> 288:23 <b>8:00</b> 179:20,22 251:8 303:17,23	<b>abnormal</b> 131:8 <b>abscond</b> 179:24 <b>absolutely</b> 15:2 49:6 118:10	<b>acted</b> 136:17 <b>acting</b> 225:8,14,15 232:9 312:24
<b>500</b> 1:16 2:6 4:20 52:22 183:21 337:13	305:12 <b>8:15</b> 305:12 <b>8:30</b> 251:9 <b>8:45</b> 251:9	<b>accept</b> 136:20,23 <b>acceptable</b> 89:10 245:19	<b>action</b> 5:2 102:25 <b>activities</b> 43:14 <b>activity</b> 22:1
<b>5000</b> 217:20	<b>9</b>	<b>accepted</b> 72:10,20 73:3,8 244:20 245:3	<b>actual</b> 78:23 79:7 79:24
<b>54</b> 324:23	<b>9</b> 7:1,4,8,19,20,25 94:11,19,23 223:21	<b>access</b> 9:21,24 10:13,16,17 31:4 171:21 221:23	<b>addition</b> 26:1 50:19
<b>5:00</b> 179:4	<b>90</b> 266:2 275:25	266:2,20 268:4 275:25	<b>additional</b> 87:2,10 87:25 195:7 201:16 316:5 329:18
<b>5:42</b> 335:18	<b>900</b> 53:1	<b>account</b> 44:11,14 44:15,17,19,24	<b>address</b> 6:2 24:1 166:19,21,23 246:23 247:12
<b>6</b>	<b>911</b> 301:15,19	45:2,6,16 46:7,14 46:17 47:17 48:1 48:2,3 49:15,16,17 49:18,21,24 50:3	248:11 249:3 250:24 252:11 325:2,15 326:18 326:19 334:4,12
<b>6</b> 3:15 196:9,11 198:16 241:20	<b>95</b> 161:10	166:17,24 167:6 167:13 168:4,7,15	<b>addressed</b> 326:1 329:10
<b>6/5/49</b> 6:6	<b>99</b> 236:23 315:20 315:25	168:19 169:2,5,10 170:18,25 171:7 171:10,13 172:13	<b>addressing</b> 247:17 247:25 248:25 327:9 328:11,21
<b>60</b> 207:25 286:9	<b>9:00</b> 6:25 251:9 312:22	176:14 322:23 333:7	<b>adequate</b> 40:17 57:10,20 58:14
<b>63</b> 3:12	<b>9:05</b> 4:2	<b>accredited</b> 18:11 19:3 20:23 22:11	60:11,25 88:10,14 88:25 89:5 99:18
<b>63028</b> 6:4		22:14,15,17,18,20 22:24 23:7 37:16	134:17 186:1 196:21 233:13
<b>63102</b> 2:7		38:14,17 61:17	329:22 330:4
<b>64</b> 158:16 159:8,16 162:19		98:4 99:8 100:10	<b>adequately</b> 334:14
		101:15 103:4,10	<b>adhere</b> 314:11
		104:20 105:5	<b>adjourned</b> 335:19
<b>7</b>		217:22 222:6	<b>administer</b> 5:1
<b>7</b> 3:16 6:25 7:1,3,7 7:20,24 237:3,6 239:13,17,25 240:9,12 242:22	<b>a.m.</b> 4:2 7:1,3,7,19 7:20,24 94:11,18 94:23	<b>accurate</b> 64:1,5,20 281:1 314:2	90:15 145:16,19 232:14 337:6
<b>7/18/17</b> 3:10	<b>abandon</b> 211:10 211:14	<b>act</b> 225:6 285:24	<b>administered</b> 90:1 90:3,6 92:16
<b>7/20/17</b> 3:11	<b>abdomen</b> 129:18 129:24 130:13		
<b>70</b> 207:25 255:18	<b>ability</b> 40:12 248:16		
<b>7002</b> 184:11 185:3 185:4 186:6	<b>able</b> 10:20 35:18 37:24 38:14 57:4		
<b>76</b> 3:13	58:6,19 71:9 99:17 119:4 141:16 177:11		
<b>7:00</b> 313:2	228:2,23 249:9 265:1 304:24		
<b>7:30</b> 94:11,18,23 179:20 223:21 303:13	329:24 330:14		
<b>8</b>			
<b>8</b> 182:10 183:19,21 183:25 303:16 305:12			

[administered - annually]

93:15 207:7 <b>administering</b> 90:12 <b>admonishment</b> 87:21 <b>adult</b> 83:16 <b>adverse</b> 232:16,18 <b>advice</b> 14:1,11 33:10,23 34:3 73:18 87:6,9,24 134:2 296:24 <b>advise</b> 14:17 15:13 15:18 29:2,12 30:5,7,10 33:14,18 99:23,24 262:23 <b>advised</b> 29:6,9 31:19,21 73:12 74:19,21 75:2 81:2 87:1 99:4,9 253:18 262:25 263:1 298:17 <b>advising</b> 14:22 15:25 28:18 49:7 <b>affect</b> 117:4 <b>aforementioned</b> 337:25 <b>aforesaid</b> 5:20 337:15,20 <b>age</b> 5:18 84:20 100:18 124:10,19 149:24 150:13 158:13 159:4 286:3 <b>aggravated</b> 125:1 <b>aggravation</b> 324:11 <b>ago</b> 16:17,18,20 27:24 51:5 93:13 127:11,12 153:5 156:18 168:12 169:22 171:14	176:12 189:20 193:22 246:10 269:5,20,22,24 270:22,23 271:22 285:1 <b>agree</b> 4:9 28:3 58:13 60:2 72:9 72:16,18,23 73:2,5 73:7,9 81:22,25 83:16,21 84:15,18 88:9 89:8,15 97:25 232:25 233:4,19 258:16 259:23 289:10,13 291:16 <b>agreed</b> 27:15,16 40:21 41:19 136:16 291:13,19 293:11,14 298:11 298:19 <b>agreeing</b> 39:11,15 <b>agreement</b> 27:13 39:1 338:7 <b>ahead</b> 15:6 57:13 62:8 102:16 110:5 126:23 197:25 199:16 218:18 243:13 252:7 <b>ahold</b> 104:9 <b>aid</b> 304:8,10,12,15 304:20 305:10 <b>ain't</b> 194:18 214:7 <b>air</b> 110:20 139:4 139:10 259:14 <b>al</b> 1:4,8 <b>alarm</b> 303:4 <b>ali</b> 131:2 <b>alive</b> 317:20,22,23 318:5,7,9,14 <b>allergic</b> 229:24 230:5,12	<b>allow</b> 29:22 30:3 295:4 298:20 <b>allowed</b> 30:2 200:6 <b>almond</b> 277:8 <b>altogether</b> 39:20 312:9 <b>ambient</b> 255:5,10 255:13 256:9,14 257:2 <b>american</b> 199:4 203:18 <b>amount</b> 54:15,20 207:22,24 220:8 265:15 266:14 279:14,23 280:7 280:17 285:5,8,14 286:3 317:5 319:15 320:9 <b>amounts</b> 279:6 <b>amoxicillin</b> 65:15 138:6 142:19 143:6,10,18 <b>ahead</b> 15:6 57:13 62:8 102:16 110:5 126:23 197:25 199:16 218:18 243:13 252:7 <b>ahold</b> 104:9 <b>aid</b> 304:8,10,12,15 304:20 305:10 <b>ain't</b> 194:18 214:7 <b>air</b> 110:20 139:4 139:10 259:14 <b>al</b> 1:4,8 <b>alarm</b> 303:4 <b>ali</b> 131:2 <b>alive</b> 317:20,22,23 318:5,7,9,14 <b>allergic</b> 229:24 230:5,12	<b>angela</b> 18:6 19:9 20:21 23:17,23 26:17 168:6,9,25 290:21 291:1 <b>angie</b> 289:21,25 <b>animal</b> 22:25 58:15 60:3 71:20 92:4 93:5 111:18 143:19 147:3 220:5,7,10,13,17 314:13 320:19 <b>animals</b> 1:8 4:15 7:5,7,17 8:7,11,19 8:22,23 9:3 19:10 36:18 39:19,21 42:5 67:4,25 71:22 82:14 87:2 87:9,24 88:20 91:21 96:14,17 102:10 111:5,16 117:9,18 119:17 119:22 122:2,8,13 129:9 143:20 147:4 166:16 172:4 174:19 175:1 178:1,7 <b>andrew</b> 30:23 179:12 180:9,25 229:12,12,13 230:13,16 231:8 232:9,19 <b>andrew's</b> 227:5 <b>anemic</b> 135:13,17 136:14 137:1 <b>angel</b> 64:8,12 69:4 69:15 134:18,21 134:24 135:3,4,13 135:21 136:9,24 <b>angel's</b> 135:18 136:18,19,20	<b>annual</b> 66:23,25 67:5 81:6 86:7,13 86:15,17,20 128:22 174:18,25 186:4,7 <b>annually</b> 128:16 187:18,20 208:2
---	--	---	--	--

**[anorexia - arrears]**

<b>anorexia</b> 130:23 131:3,15	290:13 293:23 295:4,14 296:9,21	<b>anyway</b> 115:3 194:20 321:24 331:8	<b>appreciative</b> 225:16
<b>anorexic</b> 131:5,6	296:25 297:18,19	<b>aol</b> 166:24 167:19 168:3	<b>approach</b> 297:8
<b>answer</b> 9:3 13:19 14:18,23,24 15:14 15:19,22 16:1,2,8 17:1,6 22:4,13 23:14,15 25:20 29:2,21,22 30:2,4 30:6,11,12 31:24 32:24 33:18 34:5 38:3 45:22,23 46:21,22 49:4,8 57:13,14 58:4,8,9 58:17,20 59:7,12 59:14,24 60:16 61:7 62:7,7,17,17 69:20 70:20 72:15 74:10,17 81:1 82:5,6 84:3 85:22 86:25 87:22 88:4 88:8,21 89:14 95:24 101:7 104:25 105:7 107:3 108:18 110:16 111:15 115:2 123:22 127:18 133:18 138:2 139:21 190:22 191:8 197:25 200:6,7 201:2 203:22 204:11 211:5 214:25 221:25 224:21 225:1 233:7 234:1,2 243:7,9,14,20 246:13 247:7 248:15 257:9,10 258:14,20 268:25 269:6,19 290:11	<b>aol.com</b> 166:25 167:5,17 169:2	<b>approached</b> 297:3 297:7	
<b>answered</b> 61:4,5 74:17 82:5,13 87:20,20 89:13 103:6 140:18 190:22 211:2,2,5 224:25 233:24 247:7 248:14 252:14 258:20 259:1 273:4 299:11,14,20 315:24 323:9 331:6	<b>apes</b> 98:13 281:18	<b>appropriate</b> 71:19 103:9 104:19 105:4 232:25	<b>approve</b> 22:9 23:10,20 27:10
<b>answering</b> 13:22 13:25 14:10 34:2 83:3 200:8 287:20 296:23	<b>aphis</b> 3:15 184:11 185:3,4,5 196:25	<b>approved</b> 27:3 106:5 334:6	<b>approximate</b> 26:5 64:2 244:7,10
<b>answers</b> 59:16 66:5 201:8 338:5	<b>apparent</b> 130:3	<b>approximately</b> 34:7 56:13 64:17	<b>approximately</b> 34:7 56:13 64:17
<b>antibiotic</b> 157:1,3 157:7	<b>appeared</b> 129:21 129:21 323:16 324:3	<b>appear</b> 129:25 130:11 298:2,6,11	<b>appearance</b> 5:7
<b>antibiotics</b> 65:16 119:5 133:1 138:7 155:7 320:5	<b>appears</b> 129:10 329:7	<b>appearances</b> 2:1 5:4	<b>appearances</b> 2:1 223:10 275:17
<b>antibodies</b> 67:15 67:19,21	<b>apple</b> 133:3	<b>appeared</b> 129:21 129:21 323:16	<b>303:14 305:16,19</b>
<b>antiseptic</b> 157:1	<b>apples</b> 276:24 278:6,10,12 310:20,21 311:5 311:23	<b>appears</b> 129:10 329:7	<b>307:25 311:17,18</b>
<b>anxiety</b> 287:23 288:1	<b>application</b> 174:18 174:21,25 257:8	<b>approximation</b> 279:17	<b>311:19,20 313:18</b>
<b>anybody</b> 17:4,15 17:17 83:1 97:3,6 124:5 164:15	<b>appoint</b> 104:18 105:3	<b>april</b> 26:8,11,11 98:8,9	<b>argumentative</b> 58:2 101:7 246:12 252:1
<b>anymore</b> 13:11 159:15 184:1	<b>appointment</b> 103:8	<b>area</b> 9:21,24 10:19 10:20	<b>arised</b> 95:8
241:11 271:10	<b>appreciate</b> 28:9 32:13 335:5	<b>arrange</b> 12:4 59:6	<b>arrange</b> 12:4 59:6
		<b>arrangement</b> 12:7	<b>arrangement</b> 12:7
		<b>arrangements</b> 12:5 197:4,8,13 198:17	<b>arrangements</b> 12:5 197:4,8,13 198:17
		<b>arrears</b> 55:17,18 55:19,23	<b>arrears</b> 55:17,18 55:19,23

[arrived - aware]

<b>arrived</b> 298:21	50:2,11 59:13	<b>attached</b> 106:15	<b>attorney's</b> 14:3
<b>article</b> 3:14 103:21	66:16,17 88:17	170:5	101:21 294:21
103:24 104:23,24	107:4 112:4	<b>attack</b> 149:25	295:4
107:5 333:16	119:10 123:13	<b>attacks</b> 84:10	<b>attorneys</b> 13:13
<b>ashes</b> 162:23	147:17 172:10,23	<b>attempt</b> 268:9	14:15,20 33:11,13
<b>aside</b> 34:7 57:1,6	176:3 181:24	<b>attended</b> 337:12	39:3,4 43:11
194:8 322:24	186:23 187:17,18	<b>attending</b> 189:15	46:20 47:2,7
<b>asked</b> 19:17 29:20	239:4 240:11	190:3,7,13,16	101:23 104:17,22
33:13 48:23,24	246:18,21 249:3	191:1,5,10,16,19	105:2,17 120:23
61:4 74:3,17	249:18,19 251:24	197:3,11,21 198:4	121:6,11,19 163:2
75:17,24 76:24	264:7 274:2 277:1	198:17 199:1	163:8 169:16
79:7,13 80:24	278:8 285:13	235:16 247:4	170:4 184:6
82:4,12,20 85:8,13	287:11 296:4,18	256:2,11,18 257:3	246:19 295:6
86:23 87:19 88:7	316:13 317:2,5	257:21 258:3,6,10	296:6 337:15
89:13 98:24 102:5	323:13,24 331:4	<b>attention</b> 77:20	338:11
103:6 106:1 107:6	<b>asks</b> 33:19	102:20 211:24	<b>auction</b> 44:5 45:7
118:12 122:4,22	<b>aspartame</b> 304:21	218:2 219:1,23	46:11 47:16 48:2
140:17 163:9,16	<b>ass</b> 302:4 334:9	220:2,9 222:12,21	48:3
176:22 180:18,19	<b>assembler</b> 6:16	223:1,6,9,12,15,25	<b>audio</b> 4:8,8 193:21
181:2,6 185:11	<b>assessment</b> 72:9	224:5,11,23	<b>august</b> 153:13
190:21 203:5,7	72:19 260:5	253:17 288:7	156:7 161:8
211:1,2,4 213:5	324:19	325:12 326:3	<b>authoritative</b>
221:25 224:24	<b>assessments</b>	<b>attorney</b> 5:7 13:15	274:13,25 275:3
233:24 246:9	324:16	13:17,23 14:2,12	280:25
247:6 248:13	<b>assigned</b> 71:12	14:17 15:16,17	<b>authorized</b> 5:1
252:13 258:19	<b>associated</b> 84:7	17:4,5,8,13 26:24	337:6
259:1 262:1	265:5	28:23,24 29:1,16	<b>auto</b> 53:1
264:18 273:3	<b>association</b> 199:5	29:17,23 30:1,5,20	<b>available</b> 86:4
287:16 290:13	203:18	31:25 33:17,25	91:16 95:11,15,23
293:21,22,24	<b>assume</b> 125:24	34:1,4,6 42:23	220:10,13,17
296:7 299:10,14	158:24	43:5,9 44:6 45:9	309:15,16,20
299:19 300:18,18	<b>assumed</b> 149:24	45:11,14 47:13	311:8
315:23 320:25	150:2,3 160:10	49:4 105:9,12	<b>average</b> 273:16
321:15 322:14	<b>assumes</b> 298:14	106:12 108:3	279:18 303:19,21
323:8 329:6	<b>assuming</b> 54:23	163:15 173:25	306:8 316:4,18,19
330:13 331:16,19	105:11 114:4	293:6,16,20	320:10 321:1,4,16
332:5 333:13	126:1 175:23	294:11 295:3,12	322:4,15,23
<b>asking</b> 8:22 19:16	273:8,9,10 331:12	295:20 296:19	<b>aware</b> 21:12 31:13
20:10 23:1 25:17	<b>assumption</b> 59:5	297:16 298:8	31:16,18,22 54:12
31:7 32:25 33:11	105:14	302:4 333:18	77:3,15 99:11,16
45:21 49:23,25		338:9	104:17 105:1,8

[aware - bernstein]

117:15,16 124:7 124:22 129:3,4 135:12 144:9,16 145:7 164:10 167:3 178:2 184:16 185:19 190:8,9,15,17,18 190:20 197:7,22 197:23 198:7,8,9 198:11,15 229:23 230:1 235:13,17 241:13 244:17 246:22 247:4,8 256:13,19 258:24 259:2 265:4,6 278:25 279:5 291:15 323:3	230:15 239:19 255:1,4 261:7,16 263:18 264:23 268:4 288:23 298:18 306:17,18 306:21 310:12 313:24 327:21 330:3	<b>basis</b> 116:25 147:14,17,21 155:14 186:4,7 255:12,22,24 274:23	<b>bernstein</b> 2:12 3:4 5:8,8,24 8:18 9:6 13:16,19,25 14:7 14:10,19,25 15:7 15:20 16:3,9 17:19 22:7,19 23:18 25:15,21 29:3 30:7,13,17 31:10 32:3,4,8 33:1,19,22 34:2 35:5 38:5 43:21 44:9 46:25 48:21 49:1,9 50:5,14 52:16,19,25 53:10 55:25 57:16,24 58:3,5,23 59:11 60:7,21 61:11 62:9,12,19 64:24 64:25 66:9 69:11 69:22 70:22 72:7 72:18 74:12,20 76:4 79:20 80:7 80:17 82:8,17 84:5,12,18 85:24 87:23 88:6,23 89:4,16 91:7 101:9 102:3 103:7 103:15,19 105:1 105:10 107:4 108:21 110:22 112:25 115:4 123:24 124:1 127:22 128:5,8 133:21 139:23 140:20 143:25 144:1 146:11,12 151:20 163:19 164:3 177:15,21 185:5,8 190:25 191:11 193:15 194:2,8 195:12,16
<b>b</b> <b>b</b> 35:4 <b>baboon</b> 328:14 <b>baboons</b> 260:18 264:1,12 <b>baby</b> 96:20 109:3 109:4 110:23 111:8,8 118:19 235:5 271:10 <b>back</b> 35:22 59:19 64:18 69:3 77:2 80:14,17 96:9 108:8 116:3,10,10 124:1 127:1 131:13 138:22 141:4,18 142:12 153:12 163:25 164:3,22 165:2 171:16,17,18,19 177:8,9 178:14 179:22 180:3 188:25 195:10 196:6 200:16 206:14,20 227:7	<b>bags</b> 308:4 <b>balanced</b> 134:17 265:12 287:13,15 287:18 <b>bald</b> 261:21,23 <b>bananas</b> 276:25 278:6,10,13,13 <b>bandage</b> 92:20,22 <b>bank</b> 44:11,14 <b>bare</b> 324:24 <b>barred</b> 299:7 <b>barrels</b> 315:11,14 <b>barring</b> 298:22 299:17 <b>bars</b> 277:12,14 <b>based</b> 59:3 88:12 <b>basic</b> 72:1 87:18 234:7 <b>basically</b> 25:7 63:13 169:15 235:10 281:12 311:4	<b>bedding</b> 226:14,16 <b>bedroom</b> 226:9 <b>began</b> 87:14,19 <b>beginning</b> 5:7 12:16 <b>behalf</b> 1:15 <b>behavioral</b> 249:11 <b>belief</b> 60:8,22 62:20 116:25 117:2 206:21 <b>believe</b> 28:11 29:3 82:1,8 242:17 269:19 <b>believed</b> 36:17 140:22 <b>believes</b> 99:11 100:2 133:10 <b>belong</b> 23:22 178:5 <b>belongs</b> 180:25 <b>beneficial</b> 47:12 82:16	

[bernstein - brought]

195:19,25 196:8 198:1 200:9 201:4 201:11 202:25 203:24 211:3,7,19 213:20 214:24 215:5 216:1 225:2 226:3 228:20 231:14 233:12,19 234:11 236:22,25 237:1,5 243:17 246:13 247:11 248:9,22 251:16 251:21,23 252:5,9 252:16,19 254:19 255:4 256:25 257:16 258:16,23 259:4 269:1,2 273:5,9 276:14 278:1 288:2,5 289:17 290:11,17 292:12 293:25 294:13,18,23 295:6,13,15,21 296:4,10,12,20 297:2,11,17 298:10,18 299:12 299:15,21 313:17 316:1 318:17,19 321:19,25 322:4 323:10 324:2 329:13,21 330:10 330:15,20,22,25 331:3,19,25 332:3 332:8,10,18,22 333:1,5,10,18 334:15,25 335:11 335:14 <b>best</b> 52:17 60:9,23 61:16 68:15 99:7 99:12,13 103:2 119:19 215:24	217:6,9 248:15 <b>better</b> 19:7,13 26:25 100:3 110:3 110:4 138:6,8 142:20 147:5 222:4,10 226:12 267:2 <b>beyond</b> 331:15 <b>big</b> 83:15 84:21,22 84:23,25 85:1 114:20 129:8 141:17 175:11 285:17 <b>bigger</b> 136:7 144:14 280:5 <b>biggest</b> 288:4 <b>bill</b> 70:10 319:17 319:20,21,22 321:15 <b>billed</b> 319:24 <b>bills</b> 56:18 316:7 319:15 321:13 322:5 <b>birth</b> 6:5 119:5,7 <b>biscuits</b> 263:4 265:22 266:13 275:9 <b>bit</b> 80:5 93:4 217:12 235:4 255:19,20 260:22 261:6 325:12 <b>bite</b> 201:19 263:21 <b>biting</b> 263:20 <b>blah</b> 294:21,21,21 <b>blaming</b> 321:22 <b>blank</b> 64:8 77:17 78:20 <b>bleeding</b> 129:13 129:15 135:24 <b>block</b> 306:15	<b>blocked</b> 301:3 <b>blood</b> 67:25 93:21 93:25 135:14,18 135:21,23,25 136:3,5,9 <b>blow</b> 237:24 <b>blowing</b> 245:10 <b>board</b> 18:17,19,22 18:25 19:2,14,17 19:19,21,22 20:3,4 20:4,8,13 21:1,5,7 21:8,13,13,17,24 27:2,9,14,16,18,20 27:21 28:1 45:18 45:20 216:3,3,10 216:13 <b>body</b> 70:23,25 71:1,7,22 84:19,24 85:2 327:25 <b>boned</b> 84:21 <b>bones</b> 84:23 85:1 <b>book</b> 120:9,14,24 120:25 175:23 186:8,16 199:14 204:23 240:10 <b>bookkeeper</b> 119:19 <b>booklets</b> 235:22 237:15 <b>books</b> 64:19 <b>born</b> 109:4 <b>bottle</b> 207:12 304:8 <b>bottles</b> 207:13 245:12 <b>bottom</b> 76:17 77:7 185:2,4 188:13 189:2 198:20 241:6 244:15 <b>bought</b> 47:16 209:23 315:16	<b>bound</b> 314:1 <b>box</b> 76:18 <b>brand</b> 277:16,17 <b>braun</b> 1:14 3:3 4:12 5:17 6:3 30:23 335:18 336:12 <b>bread</b> 93:11 145:25 <b>break</b> 53:11 80:6 151:18 177:18 179:3 195:20,21 195:25 196:1 252:3,4,8 254:19 312:7 329:17 <b>breakdown</b> 316:3 316:7 317:1 320:25 322:14 <b>breakfast</b> 277:12 277:14 <b>breaks</b> 7:19,23,23 94:11,12 329:19 <b>breast</b> 158:15 159:23 <b>briefly</b> 6:9,13,18 8:2 <b>bring</b> 94:8 178:17 228:12 231:24 308:4 <b>bringing</b> 227:7 <b>brings</b> 219:14 <b>broad</b> 15:18 38:9 <b>broaden</b> 17:11 <b>broadway</b> 1:17 2:6 4:21 337:13 <b>broccoli</b> 310:22 311:25 <b>broke</b> 94:20 <b>brought</b> 120:17 121:13 135:15 142:12 161:2
--	--	---	---

[brought - care]

193:22 194:23 231:8 232:10 <b>brushes</b> 237:23 308:7,21 <b>bubble</b> 245:10 <b>bubbles</b> 237:24 <b>buchheit</b> 205:21 205:23 208:19,22 <b>bucket</b> 224:16 <b>buckle</b> 107:22 <b>bucks</b> 319:3 <b>budget</b> 316:3,14 316:17,19 317:8 320:3,15,18 322:24 <b>building</b> 42:3 193:1 217:13 223:17 <b>built</b> 26:1 54:5 84:25 153:2 <b>bulk</b> 208:16 209:14,15 <b>bullet</b> 330:16 <b>bunch</b> 182:17 <b>buried</b> 150:8 151:6,8,11 <b>burn</b> 175:15,16 <b>burned</b> 175:6,9,13 175:18 <b>bury</b> 151:2,3 162:24 <b>business</b> 23:17,23 32:17 36:23 37:4 37:10 180:24,25 <b>butter</b> 277:5,8 283:2 326:10 <b>buy</b> 53:11 157:5 205:24 208:12,16 208:18 209:4,14 315:15 317:14,15	<b>buying</b> 173:13 <b>byron</b> 12:21 44:5 54:4 94:25 97:16 292:11 302:13 <b>c</b> <b>c</b> 35:4 206:7,8,9 <b>cabinet</b> 90:21 <b>cage</b> 138:20,21,23 138:23 139:14 141:13,15,16,18 143:14 146:13,14 149:12,16,18,19 150:6 224:15 230:20 251:3 306:8,16,19 <b>cages</b> 42:2 144:25 225:9 228:1 291:7 305:14 306:1,20 306:22 307:5,13 310:13 312:14 314:15,16 <b>calcium</b> 266:9,15 274:16 <b>calendar</b> 121:17 153:17,20,24 154:4,10,15 177:19 194:22 329:5,6 332:2,11 332:17 <b>calendars</b> 332:12 <b>california</b> 52:14 <b>call</b> 6:20 12:9 15:4 16:13 41:13 71:4 111:12 126:25 157:23 192:25 217:16 281:10 306:21 330:3 334:5,7 <b>called</b> 17:22 77:19 109:21 111:4 118:15 143:5,7,10	143:12 157:13 177:7,8,9 180:9 206:7 216:6 271:18 301:15 <b>calling</b> 22:4,13 23:14 28:23 32:23 33:17 37:1 57:14 58:16 59:1 75:4 79:17 83:24 85:22 107:2 112:21 127:17 128:3 133:17 139:20 233:7,17 257:6,6 258:13 282:25 334:8 <b>calm</b> 251:19 <b>calories</b> 275:8,16 278:22,25 279:6 279:14,17,20,23 280:7,13,17 <b>camera</b> 11:7,8 182:14,23,24,25 183:1,3,5,9,10,11 183:14,14,17 289:21 290:1 <b>cancel</b> 297:22 <b>canceled</b> 295:25 <b>cancer</b> 59:15 72:8 117:1,13 127:19 127:21,23,25 133:11 134:7,7,8 134:10,14 <b>candy</b> 9:9 83:15 62:25 63:3,9 65:4 65:5,6,9,14,20,21 72:2,11,21 73:4,10 73:22 74:4,5,8,11 74:11,14,18,22 75:1,3,5,10,20,23 76:10,12,25 79:8 79:16,25 87:3,10 87:25 88:10,15,25	<b>captive</b> 72:12,21 73:4 233:2,5,21 234:6 258:18,25 287:24 <b>captivity</b> 89:11 144:14 150:17 275:5 <b>capuchin</b> 92:19,23 143:24 149:3 324:24 <b>capuchins</b> 149:20 150:17 <b>car</b> 51:25 52:25 53:2,5,10,12 141:10 <b>caravan</b> 53:9 <b>carburetor</b> 6:16 <b>card</b> 54:11,18,19 54:20 55:16,21,25 56:1,3 57:5,23 58:6,7,12 320:22 <b>cardiac</b> 83:17,21 84:6 <b>care</b> 3:13 7:5,7,17 11:24 19:5,13 23:19 35:19,25 36:3,5,7,10,14,17 <b>cancer</b> 59:15 72:8 37:25 38:8,10 40:1,7,10,13,18 57:2,11,20 58:15 59:6,7,9 60:12 61:1,22 62:2,20,22 <b>candy</b> 9:9 83:15 62:25 63:3,9 65:4 65:5,6,9,14,20,21 72:2,11,21 73:4,10 73:22 74:4,5,8,11 74:11,14,18,22 75:1,3,5,10,20,23 76:10,12,25 79:8 79:16,25 87:3,10 87:25 88:10,15,25
--	---	--	--

[care - champion]

89:6,9 93:17	59:8 63:24 93:9	142:1 150:11	147:24 197:20
96:21 99:5,18	162:17 164:9	156:14 232:3	256:21,25 264:20
112:19 118:8	169:7 172:8	233:5,14 259:8,10	313:11 329:21
126:8 136:18	231:18 232:9,15	260:9 262:2,24	<b>certified</b> 4:22 14:5
142:23 144:10,17	258:21 292:24	279:12 287:23	14:9
149:5,8 151:1	293:9 294:5,6,8,9	337:8,11	<b>certify</b> 337:7,7
155:12,15,18,19	294:25,25 295:8,9	<b>caused</b> 116:18,20	338:8
155:25 156:5,8	295:17,18 296:3	117:5,8,13,17	<b>cetera</b> 274:17
160:10 166:15,16	296:14,14 297:13	125:1,12 134:14	<b>champion</b> 1:16 2:4
172:4 179:13	297:14 337:20	136:19,25 137:6,9	2:5 4:20 5:12,12
180:20,21 185:23	<b>casey</b> 1:14 3:3	137:12,24 156:20	8:13,25 13:14,17
186:1 188:16	4:12 5:13,17 6:3	162:10 231:23	13:22 14:3,8,16,22
191:3,13,14	30:14,17,23 32:5,8	259:24 260:15	15:2,9,25 16:6
196:13,21 197:2,4	32:9,22 39:12,17	262:7,13,14,20	17:1,8,11 22:3,12
198:21 199:1	46:15 57:7,17	288:22 337:23	23:13 25:14,17
212:10 214:5	63:18,20 73:11	<b>causes</b> 117:5	28:22 29:3,15
217:2 218:1 219:3	76:8,9 78:9 80:17	127:25 134:10	30:10 31:6,20
219:9,24 221:11	81:2 87:1 88:9,13	148:18 276:5,7	32:23 33:16,21,24
221:19 236:3	88:24 103:19	<b>causing</b> 85:9,14	35:3 38:1 43:20
239:25 250:14	164:3 185:1 186:6	117:9	43:25 46:21 48:18
272:4,6,9 274:1,9	186:13 187:2	<b>cautioned</b> 337:18	48:24 49:2 50:2
315:22 316:12,23	188:7,23 189:16	<b>cc</b> 6:3	50:11 52:13,17,23
317:7 319:12	195:19,20 196:8,9	<b>ccr</b> 1:19	53:6 55:23 57:12
321:20 323:1	198:16 237:6	<b>cdp</b> 1:7	57:21 58:1,16
<b>cared</b> 98:17	255:4 334:1,5,10	<b>celery</b> 311:6	59:1 60:4,13 61:2
<b>carefully</b> 337:18	335:18 336:12	<b>cell</b> 4:6	61:4 62:5,11,13
<b>caring</b> 39:23 45:13	<b>cash</b> 53:12,18 54:7	<b>cellular</b> 4:5	64:21 66:4 69:8
<b>carpenter</b> 54:4	<b>catch</b> 96:25	<b>center</b> 98:12	69:10,19 70:19
<b>carrie</b> 25:2,2,3,16	141:12	281:17	72:4,13 73:24
25:23 26:3 40:25	<b>catching</b> 146:21	<b>certain</b> 20:11 28:9	74:16 79:17 80:6
41:10 42:11	147:11	32:17 82:23 83:7	80:8 82:4,12
212:23 216:21	<b>categories</b> 164:16	119:22 144:10,17	83:23 84:8,16
<b>carried</b> 141:14,16	<b>catheter</b> 152:23,24	148:18 164:10	85:21 87:13 88:3
<b>carrier</b> 116:4	<b>catnip</b> 259:22	178:1 184:16	88:16 89:2,12
<b>carrots</b> 311:6,24	<b>cats</b> 9:5,17,24	236:23 266:5	91:5 101:6,24
<b>carry</b> 43:14	205:10	291:16 314:6,12	103:6 104:21
<b>carter</b> 6:16	<b>caught</b> 62:14	314:13 331:16	105:6 107:2
<b>case</b> 1:6 4:17 5:20	77:18 139:10	335:4	108:17 110:16
28:16,21 29:14	141:12	<b>certainly</b> 23:24	112:21 115:2
32:22 33:3,15	<b>cause</b> 58:15	38:21 73:16,17	127:17 128:1,3,7
39:8 42:25 46:2	100:11 124:22	75:17 133:21	133:17 139:20

**[champion - chimpanzees]**

140:17 143:23	331:18 333:5	<b>chewable</b> 283:22	37:16,24 38:7,13
146:10 151:17	<b>change</b> 80:2 92:22	284:2,3,7	38:22 39:12,23
177:14,17 190:21	185:13,16 293:12	<b>chewables</b> 284:18	40:2,9,13,16,21,22
191:7 193:18	293:15	<b>child</b> 96:21	41:4,18,25 45:13
194:4,11,20 195:3	<b>changed</b> 121:6,6	<b>children</b> 13:5	46:5 54:23 55:5
195:14,17,23	273:13	<b>chimp</b> 16:21 50:23	55:14 56:15 57:3
197:23 200:4,25	<b>changes</b> 73:25	64:7 67:8 86:5	57:10,19 58:25
201:6 202:23	74:4	117:4 127:20	60:9,23 61:17,21
203:22 211:1,4,12	<b>characterization</b>	145:4 146:10	62:1,21,25 63:3
213:17 214:22	83:25	181:1,1 227:6	64:3 65:1 66:1,22
215:1,20 224:24	<b>charge</b> 70:7,14	233:9,13,14 234:4	67:13 68:6,16
228:17 231:12	148:15 149:1	234:15,16 235:5	69:1 70:17 71:8
233:6,15,24	152:17 181:12	236:1,1 269:7	73:4,22 74:15,22
236:21 243:7,9,13	253:17	270:7 274:1 278:5	75:1 80:21 81:23
246:11 247:6	<b>charged</b> 70:8,8	278:11 280:2	82:2,9,24 83:8,16
248:6,13 251:18	<b>chart</b> 3:12 63:19	282:8,17	86:6,12 88:11,15
251:22,25 252:7	63:20 64:1 108:8	<b>chimp's</b> 231:6	89:1,10,11,17,20
252:13,18 254:21	108:9 332:13	<b>chimpanzee</b> 40:7	89:23 90:20 91:2
257:5,11 258:12	<b>chase</b> 223:5	40:11 64:9,12	92:2 96:22 98:1,2
258:19 259:1	224:14,20	83:11 84:7 108:13	99:6,7,13,18 100:2
268:24 273:3,7	<b>chasing</b> 223:17	112:15 114:12	100:9,12,13,19
276:11 277:23	309:1	117:13 118:4	101:14 102:13
288:1 289:15	<b>check</b> 41:13 98:23	126:5 130:20	103:3 113:19
290:10,12 292:8	109:22 118:15	137:16 144:13	116:21 124:8,17
293:22 294:10,17	130:5 161:24	151:16 177:23	128:11 129:1,6
294:20 295:1,11	162:5 167:13,16	178:4 179:6	131:21 133:23
295:19 296:7,17	167:20,24 174:22	226:20 228:3,5	138:18 139:5,11
296:25 297:9,15	198:21 199:2	271:24 280:9	144:6,11,13,15,18
298:4,13 299:10	229:11,16,18	286:25 316:17,19	145:9 146:9 148:4
299:13,19 313:10	230:4,11 266:11	316:24 317:6,9	159:12 173:15
315:23 318:16	304:7 306:20	321:2	182:3 206:4 207:8
321:17,20 322:2	332:18	<b>chimpanzees</b> 8:9	207:18 208:1,13
323:8,24 328:24	<b>checkbook</b> 46:7	9:7,22,25 10:8,10	209:6 216:19
329:17 330:6,12	49:14	10:13,21,25 11:13	218:7,9 222:4,5,15
330:18,21,24	<b>checked</b> 68:2	11:15,17,24 18:10	226:6 235:9
331:2,5,22 332:1,6	256:5,6	19:3,6,8,12,12	237:19 239:7,20
332:9,15,20,25	<b>checking</b> 49:15,16	20:22 22:10,23	252:12 254:9
333:4,8,15 334:17	<b>checkup</b> 67:5	23:6,11,21 24:1,3	255:6,14 256:4
335:10,12 337:13	<b>checkups</b> 66:23,25	24:10,22 31:1	257:18,23 258:5
<b>chance</b> 212:18	86:7 128:16,24	34:8,10,12,25	265:7 266:8,18
213:7 329:15,16		36:13,24 37:3,11	267:7 272:25

**[chimpanzees - commenced]**

274:17 275:4,8,16	324:7,8,22 325:21	306:15,21,24	96:23 255:16
276:16 277:18	334:6	307:5,10,11	320:13
278:22 279:7,14	<b>chins</b> 263:12 265:3	310:13 312:13	<b>colds</b> 147:20
279:18 281:9	265:3	314:9,17,20	<b>collectible</b> 50:23
282:5,5,24 283:17	<b>chloe</b> 9:9 247:20	<b>clear</b> 70:1 249:18	<b>colonial</b> 6:17
283:23 284:1,12	267:19,24 268:7,9	<b>clearly</b> 29:9	<b>colostrum</b> 158:14
284:19 286:4	268:13,17,22	333:10	<b>come</b> 37:20 44:11
287:24 313:8	269:3,19,24	<b>client</b> 13:15,17,23	44:23 46:19 49:20
315:13 322:19	270:10 271:4,24	14:17 15:16,17	50:9 53:11,24
324:14 334:2	272:2,15,18,19	17:4 28:23 29:1	67:3 77:21 83:3
<b>chimps</b> 10:9 16:14	<b>choose</b> 267:8	29:17 30:1,5	95:6 97:23 98:24
26:2 35:10,18	<b>chow</b> 263:4 265:10	31:25 33:17,25	98:25 99:2 100:23
37:21 39:5 40:10	265:22,25 266:2	34:1 49:4 56:8,11	101:24 102:8
42:4 44:6 53:4	266:10,13 273:12	88:18 294:11	109:9 115:23
56:17 97:24 98:12	275:9,19,22,25	295:3,12,20 296:2	126:14 138:4
98:17 102:17	276:4,17,23 277:4	296:19 297:16	152:21 174:23
103:10,22 104:20	286:7,13 287:17	298:8	175:11,17 178:9
105:5 107:11,15	305:21,22,23,24	<b>clients</b> 29:7 30:22	178:14 189:9
107:17,23 113:17	309:11	32:14 34:22	190:13 208:22
114:11 120:21	<b>chows</b> 265:14	<b>climb</b> 247:23	226:4 240:4
125:14 134:16	<b>christmas</b> 178:10	249:9,20	241:20 247:9
145:4 173:5,7,7,7	<b>chutes</b> 42:2 268:1	<b>climbing</b> 249:15	267:4 271:9
173:8,8,12,23	<b>circumstances</b>	<b>clinic</b> 116:12	272:22,23 276:15
183:22 193:12,17	92:18	<b>close</b> 204:9	293:2,5 300:7
199:15 200:15	<b>city</b> 1:17 337:14	<b>closed</b> 44:19,24	302:16,17 304:9
202:22 210:19	<b>civil</b> 337:8	200:14 299:4,16	313:24 334:11,22
211:16,23 212:11	<b>claim</b> 29:18 63:10	299:21,23 302:21	<b>comes</b> 44:22 46:10
215:13,25 217:6	75:12 77:11,12,14	<b>closest</b> 116:12	46:12 75:20
217:10 222:22,24	237:11 300:5,13	<b>cloudy</b> 303:12	114:23 175:19,25
222:25 225:6,13	<b>claims</b> 42:24	<b>clue</b> 130:15 242:19	176:4 219:15
225:14 226:18	<b>clarify</b> 192:9,17	242:19	275:9,17 299:5
228:15 233:11	<b>clark</b> 182:21 294:7	<b>coat</b> 265:2	302:2
234:5,6,8,9,13	295:6	<b>coats</b> 261:10,11	<b>comfortable</b>
235:3 236:5	<b>clean</b> 251:3,8	<b>coby</b> 35:2,3,8,21	226:13
247:22,22,23	253:13 306:7,16	36:10 37:14 39:15	<b>coming</b> 136:1
249:6,7,8,8 250:9	306:19 307:12	211:20 212:1,22	158:14 191:14
253:14 255:25	314:14	212:25 213:3,24	200:17 243:22
280:2 281:16,24	<b>cleaners</b> 6:17	215:6,12 222:1	289:25 299:24
282:20 286:21	<b>cleaning</b> 70:18	<b>cocoa</b> 328:19	300:7
291:7 312:23	96:15 305:15,17	<b>cold</b> 63:14 83:2	<b>commenced</b> 174:4
315:14 319:24	305:25 306:3,13	91:18 96:3,5,11,19	

**[commission - conversations]**

<b>commission</b> 338:14	166:12,15 167:25 171:24	<b>conflict</b> 192:13 <b>conforming</b> 77:11 <b>confused</b> 192:7,8,8 248:5 318:9	<b>consists</b> 63:11 <b>constituted</b> 300:14 <b>consulted</b> 156:23 <b>consume</b> 278:22 <b>contact</b> 137:2 175:7 176:22
<b>commissioned</b> 337:5	<b>conceiving</b> 159:20 <b>concern</b> 88:18,19 100:13 226:22 276:9	<b>confusing</b> 243:11 <b>confusion</b> 192:9 192:17	<b>contacted</b> 105:8 105:11,12 112:8 230:16
<b>common</b> 128:11	<b>concerned</b> 88:13 88:23 89:3 254:18	<b>congestive</b> 138:9 151:25 152:2,11	<b>contagious</b> 112:3 112:5 117:1,1,3,24 134:7,8 146:19,24
<b>communicate</b> 168:2,15 170:19 171:1	<b>concerns</b> 24:2 38:24 39:7 99:17	<b>connected</b> 268:2 <b>connecting</b> 227:21	<b>contain</b> 304:11 <b>containers</b> 305:2
<b>communicated</b> 167:5 168:6 172:12	<b>conclude</b> 61:15	<b>connection</b> 102:12 136:17	<b>content</b> 28:19 29:7 30:8
<b>communication</b> 172:15 246:19	<b>concludes</b> 80:11 163:22 254:23 335:17	<b>connie</b> 1:14 3:3 4:12 5:13,17 6:3 30:23 46:15 193:18 194:1 325:20 327:2	<b>contents</b> 29:12 <b>context</b> 60:15 291:4
<b>communications</b> 25:22 33:18 168:20 169:6,13 169:21 170:22 171:11	<b>conclusion</b> 22:4 32:24 58:20 89:8 141:2 257:7 258:13	<b>connie2me</b> 166:25 167:5,17 169:2	<b>continue</b> 4:9 15:10 15:10 96:12 123:25 136:3
<b>community</b> 55:8	<b>condition</b> 70:24,25 71:1,8,22 84:20 94:15 110:12	<b>conniebrauncasey</b> 166:20 169:5 170:18,25 176:15	<b>continued</b> 97:13 <b>continuing</b> 292:10 <b>contradictory</b> 9:1
<b>company</b> 6:15	111:24 112:13	<b>connor</b> 9:9 131:1 144:8 267:18	<b>contribute</b> 258:17 258:24
<b>compared</b> 278:18	113:8,15,20	<b>consequences</b> 279:3	<b>control</b> 63:12 75:4 82:21 83:5 199:4 202:12,17,21,24
<b>complaining</b> 328:10	116:16 117:19	<b>consider</b> 39:9 190:16 197:21	203:7 204:1
<b>complaint</b> 328:20	124:4 127:16	<b>conditions</b> 41:18 41:24 93:18,20 103:23	264:21 269:9,11 270:9 313:25
<b>complete</b> 67:8 164:8 331:1 338:4	130:2 133:16	<b>consideration</b> 272:14	314:9,13,14
<b>completed</b> 42:7	139:19 148:1,5	<b>considers</b> 197:17	<b>controlled</b> 82:15
<b>completely</b> 192:6 335:4	155:9	<b>consist</b> 119:1 132:24 311:10,17	<b>controlling</b> 314:15
<b>compliance</b> 144:21 145:8 256:22 257:1 258:11	<b>conditioned</b> 89:17 89:21	<b>consistent</b> 61:23 62:2 133:11 135:2	<b>convene</b> 20:4
<b>complications</b> 140:2	<b>conditions</b> 41:18 41:24 93:18,20 103:23	<b>consistent</b> 157:16 158:6	<b>conversation</b> 41:3
<b>complied</b> 32:15	<b>conduct</b> 41:17,23	<b>consistent</b> 161:3 295:9 296:5	<b>conversations</b> 4:5 25:16 28:10,12
<b>compound</b> 44:1 46:21 70:19 200:5 200:14 290:10	<b>conducted</b> 164:25 <b>conducting</b> 198:25		
<b>computer</b> 165:6,7 165:12,15 166:4	<b>confident</b> 40:12 <b>confirm</b> 19:23 30:22 63:25 125:16 148:18 216:3,10		

[cook - d]

<b>cook</b> 282:14	<b>correctly</b> 94:12	333:2 335:14	<b>cucumber</b> 278:7
<b>cooler</b> 305:8	337:24	5:15 29:6 39:4	311:6
310:25	<b>correspondence</b>	156:3 295:5,22	<b>cucumbers</b> 276:25
<b>cooper</b> 35:2,8,20	8:6 25:10	337:10,11	311:24
36:8 37:14 39:15	<b>cost</b> 52:20 53:17	<b>cover</b> 53:18	<b>culture</b> 69:12
211:20 212:1	53:24 54:24 55:13	241:21 316:20,21	<b>cultures</b> 68:22
213:24 215:6,12	56:14 80:20	<b>covered</b> 8:15	69:14
221:7,9,11,13,16	148:12,23 205:25	89:12	<b>cup</b> 89:21 286:8,8
221:18,23	208:12,20	<b>covers</b> 233:10	<b>cured</b> 110:12
<b>cooper's</b> 221:21	<b>costing</b> 55:5	234:24	113:9 149:22
<b>cooperate</b> 107:10	<b>costly</b> 57:2	<b>cramer</b> 25:3,16	<b>current</b> 46:20 57:8
107:14,16,17	<b>costs</b> 316:24 321:5	<b>cramped</b> 291:7	57:17 69:10
<b>copied</b> 236:9	<b>cough</b> 63:14	<b>crap</b> 37:20	<b>currently</b> 8:12 9:8
<b>copies</b> 77:11	137:20,24 138:3,3	<b>crazy</b> 193:13	31:3 43:14 45:10
122:10 142:8	<b>coughing</b> 138:11	<b>crc</b> 1:19	46:8 49:18,23
154:15 174:24	146:17,18	<b>cream</b> 271:12	54:7,13,21,22
175:2,3,7 176:9	<b>counsel</b> 2:1 4:12	<b>credit</b> 54:11,18,19	55:17 56:25 67:14
177:19 181:7	5:4,14 32:10	54:20 55:15,21	75:2 80:22 86:15
184:8 194:22	338:2,2,7,8	56:1 57:5,23,25	86:17 92:13 93:17
204:25 236:7	<b>count</b> 64:21	58:6,7,12 320:22	93:24 95:2 104:3
<b>copy</b> 106:8,9,12,23	265:24 316:4	<b>cremated</b> 162:13	113:14 144:6
164:19 242:3	<b>counter</b> 91:22	162:14 163:6	150:14 190:18,20
316:25 329:5	<b>counterclaim</b> 4:13	<b>cremation</b> 162:15	207:18 208:23
<b>corporation</b> 43:2	5:9,11	163:9	209:1,13 221:18
43:4	<b>counteroffer</b>	<b>critical</b> 335:3	236:5 244:19
<b>correct</b> 7:2,18	108:4	<b>crr</b> 1:19	245:3,19 248:1,12
8:17 9:11 10:14	<b>country</b> 288:8	<b>crumb</b> 334:9	249:1 252:12
10:22 21:16 24:8	<b>county</b> 337:3	<b>crying</b> 162:2	261:3 265:8 278:8
24:9 34:15,18,24	<b>couple</b> 27:23	<b>crystal</b> 9:10	327:24
45:20 61:14 64:23	50:23 130:1	158:22 260:24,25	<b>cut</b> 77:9 131:13
65:22,24 66:3	132:14,18 142:11	261:6,14,22 262:1	241:4 251:4
73:23 80:1 81:12	142:16,17 150:24	262:6 267:17	<b>cuts</b> 243:15
105:16 131:7	153:5 156:18	323:16 324:3	<b>cv</b> 1:7 4:18
132:13 139:16	159:25 160:2	325:5,15 326:15	<b>cycle</b> 324:13
168:16 189:25	171:13 176:12	326:16,18 327:24	<b>cycling</b> 159:14,15
191:6 197:9,13	232:19 280:2	<b>crystal's</b> 325:2	<b>d</b>
211:21 241:8,9	329:19	326:1 327:9	<b>d</b> 76:18 176:2
252:22 254:13	<b>course</b> 8:6 37:10	<b>csr</b> 1:20	266:9,15,17 273:1
256:12 278:1	64:17 182:6 223:7	<b>cube</b> 268:2	273:5,12,18 274:7
280:16 296:15	223:14 224:11		274:16
336:3 338:4	225:4,12 226:11		

[d.c. - depends]

<b>d.c.</b> 2:16	<b>daughters</b> 13:7	<b>daytime</b> 95:1	<b>decision</b> 43:3,7,8 110:5 216:14
<b>daggers</b> 59:23	<b>day</b> 1:18 6:21,22 73:20 74:12 79:15 94:23 95:5,22	<b>dchampion</b> 2:9	<b>deck</b> 227:20 248:20
<b>daily</b> 63:13 92:20 94:11,19 252:11 265:10 266:14 273:17 274:6 275:9,17 277:20 277:23 278:16,17 283:10 284:18 329:8	109:18,22,24,25 110:1,24 113:2 114:17 115:13 118:13,16 129:22 129:23 130:8 135:12 138:15 154:18 163:4,4 169:11 176:13 177:3,4 179:2,19 179:22 222:14,22	<b>dead</b> 81:15 127:6 149:12,14,16 150:5	<b>declare</b> 336:1 <b>declared</b> 51:9 <b>defend</b> 42:24 <b>defendant</b> 1:9,15 2:11
<b>daisy</b> 24:12,16,21 26:15 35:13 36:5 37:14 39:17 211:20 212:1 213:24 215:6,12 216:2,8 222:1	223:7,14 224:12 225:12 236:3 241:23 250:3,18 250:20 251:1,2,12 266:14,25 267:2 267:14 272:4 277:18 278:6,10 278:13,23 279:1 279:18,24 284:13 284:14 286:9 302:24 303:1,20 303:21 306:15 307:5,15,21 310:4 312:9,15 313:7,11 313:12,14 314:16 323:23 324:8 333:6 334:8,8 337:15 338:13	<b>dealer</b> 217:15,21 221:4 264:8 <b>dealer's</b> 264:5,6,9 <b>dealers</b> 76:11 <b>deals</b> 325:20 <b>death</b> 3:12 58:25 60:3 63:21 64:3 64:23 127:24 129:12,15 136:19 136:21 148:18 149:21 150:12	<b>defendants</b> 4:13 <b>deficiencies</b> 259:24 <b>deficiency</b> 265:4 <b>definition</b> 8:14 9:2 71:10 <b>degrees</b> 255:15,18 255:19
<b>dam</b> 193:7	<b>deaths</b> 71:25	<b>dehydrated</b> 141:6	
<b>damn</b> 175:24 176:2	<b>debbie</b> 2:4 5:12 18:21 27:24 94:25 97:15 284:9 308:4 315:10	<b>deleted</b> 174:5 <b>deliver</b> 110:22,25 <b>delivery</b> 110:19	
<b>dan</b> 17:7 182:21	<b>debt</b> 54:18,20 55:20,20,24 56:1	<b>demonstrate</b> 225:3,10 226:10	
<b>darted</b> 138:4 152:21	<b>debts</b> 54:10,11	<b>dental</b> 70:18,18	
<b>date</b> 3:12 16:16 85:8 111:6 121:4 241:7 244:15 245:13,14 271:21 288:24 289:11,14 289:18 291:14,14 291:16,18 293:12 298:12 299:25 335:6	<b>decaying</b> 310:6	<b>departed</b> 210:21 210:22	
<b>dated</b> 3:10,11 30:19 184:23 185:9 195:10	<b>december</b> 24:7,11 24:16 34:16 39:12 215:15 216:7 332:19	<b>depend</b> 86:10 220:4,9 308:17	
<b>dates</b> 26:5,5 41:12 63:21 64:3,22 121:3	<b>decide</b> 24:15 98:14 98:19 211:10 <b>daylight</b> 266:19	<b>depending</b> 15:18 53:24 320:15	
<b>daughter</b> 11:25 12:2,18,22,24 90:16 291:23	126:15,19,20 128:9 129:20 130:1 142:11 157:14,21 159:25 160:2,18 161:20 176:12 179:15,16 266:25 267:1	<b>depends</b> 55:11 71:4 178:16 213:23 217:21 310:1 314:4	
	<b>decided</b> 26:20 42:23 101:13 143:15 162:24 211:14,25 212:4 214:17,18 311:1,2	<b>decided</b> 26:20 228:6 234:15 251:2,3,4,6,7 261:18 267:12	
	<b>decides</b> 45:15,24	278:15 280:1 303:3 304:3 305:3 305:14 306:9,25 306:25 308:8,15	

**[depends - discuss]**

308:19 309:8 310:18 312:2 <b>deponent</b> 338:6 <b>deponent's</b> 74:7 <b>deposes</b> 5:20 <b>deposited</b> 45:16 <b>deposition</b> 1:14 4:8,12,19 12:11,17 12:23 13:12 15:11 15:14 16:22 17:15 17:20,25 30:15 32:6 63:16 76:6 79:1 80:24 83:10 86:23 88:6 89:9 103:17 136:16 196:11 198:5,8 237:3 246:6 297:22 298:3,7,11 330:2 335:2,9,19 <b>depositions</b> 192:12 252:1 337:7 <b>depression</b> 287:23 288:1 <b>describe</b> 6:9,13 8:2 10:24 63:10 164:24 <b>description</b> 3:8 <b>destroyed</b> 166:1 <b>detail</b> 112:8 201:15 <b>detailed</b> 119:21 197:4 <b>detailing</b> 330:11 <b>determination</b> 284:21 <b>determine</b> 39:19 124:25 147:25 150:11 169:13,20 207:11 262:1,7,13 262:20 265:1 284:14,16,17	285:11,22 286:5 <b>determined</b> 263:4 263:6,20 272:22 309:13 <b>determines</b> 286:24 <b>detrimental</b> 279:21 <b>develop</b> 117:9 131:3 148:5 325:14 <b>developed</b> 137:20 201:20 <b>devereux</b> 194:17 <b>devote</b> 223:24 <b>dewormed</b> 208:2,6 208:9 209:7 <b>deworming</b> 75:4 206:3,13,16 207:9 208:12 209:1,13 <b>deyoung</b> 24:14,16 24:23 25:3 26:16 34:13 35:7,9 37:14 38:6,13,22 39:20 40:6,16 41:20 171:2,12,14 212:21 216:2,19 217:10 220:17 221:8,10 222:4,10 222:15 264:11 <b>diabetes</b> 94:5 <b>diagnosed</b> 85:25 110:13 113:9 127:9 149:23 <b>diagnosis</b> 85:19 <b>die</b> 97:4 140:4 151:24 162:10 181:1 317:24 <b>died</b> 64:1,6,16 65:1 66:1 67:17 68:17 108:9,13,23 109:19 112:15	113:2 114:12,13 114:16 115:3,13 118:4,5,13 125:7 126:5,5,9,18 130:19,20,25 131:11 132:12 133:8,11 134:18 134:18,21 137:16 140:1,21,21,21,22 142:22 143:21 148:16 149:2,3,4,9 150:19 151:15,16 151:19,20 152:10 158:5 163:3,4 210:21 318:1,9 327:23 <b>diet</b> 63:12 124:19 124:20,22 125:1,9 125:13,14 134:13 134:15,17 259:25 265:8,12,16 276:15,18,20 277:1 287:13,15 287:15,18 <b>diets</b> 258:17,24 <b>difference</b> 9:13 <b>different</b> 11:19 41:12 55:24 66:5 66:7 67:24 68:1 126:2 145:22 204:24 227:24,25 228:12,15 234:6 234:20,23,25 235:4,6,8,8 237:15 238:6,7,7 245:9,9 245:10 274:19,20 325:18,18 335:4 <b>difficult</b> 64:13 <b>digging</b> 163:1 <b>direct</b> 237:17,19 239:23,24 242:24	249:25 250:5,7,16 251:11 252:9 254:1,8 325:25 <b>directed</b> 88:20 235:15,21,24 236:4 237:10,11 238:3,14,18,25 239:5,10,15 240:1 242:21 247:3,16 247:24 248:10,24 249:3,20,20 250:19,23 253:19 253:22 254:15 256:11,17 257:3 258:6,10 326:19 <b>direction</b> 237:20 256:1 257:20 258:1 <b>directions</b> 231:18 240:3 249:5 <b>directly</b> 176:22 <b>directors</b> 18:17,19 19:19,21 20:13 21:1 27:3 216:4 <b>dirtier</b> 314:16 <b>disagree</b> 260:5,7 323:18 324:15 <b>disagreed</b> 107:1,7 <b>disappear</b> 193:17 <b>discharge</b> 158:13 159:22 <b>discovery</b> 295:24 297:13 <b>discuss</b> 18:16 19:2 20:25 40:20 60:7 60:17,21 61:5 95:19 102:21 199:2,11,21 200:2 200:10 202:11,15 202:18 203:6,17 203:24 204:2,17
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[discuss - dr]

204:21 213:24 214:14,23 216:18 227:1 232:5 242:14 243:19 324:18 325:9 <b>discussed</b> 16:19 19:5,14,15,19 20:13 24:4,18,19 27:6,14 29:25 36:13 37:19,23 38:5 41:7,15 60:19 61:8 95:10 95:15 99:20 100:12 130:17 134:6 170:2 199:13 200:14,20 201:3,16 202:4,16 202:20 203:20 204:5,11 206:14 206:20,25 207:1,2 214:1 216:23 235:18 244:4,11 247:18 254:16 325:5,10,18,24 <b>discussing</b> 203:12 <b>discussion</b> 19:22 19:23 20:2 25:6 40:24 41:1,9,11 81:7 88:12 99:25 101:25 214:6 226:2 256:24 257:15 <b>discussions</b> 20:11 25:1,4,9 41:5 100:25 214:4 215:11,14 <b>disease</b> 83:18,21 84:6 85:18 162:4 <b>diseases</b> 66:12 81:23 82:2,3,9,11 82:23 83:7 117:3	147:1 <b>dismissed</b> 27:1 <b>dispatch</b> 3:14 104:23 <b>dispatcher</b> 301:20 <b>display</b> 225:5 <b>displaying</b> 225:7 <b>disposition</b> 177:22 178:1,6 <b>dissolved</b> 43:2,4 43:13 216:7 <b>distemper</b> 205:14 <b>distract</b> 326:4 <b>distracted</b> 326:11 <b>distress</b> 68:20 150:4 328:13,23 <b>district</b> 1:1,2 4:16 4:16 337:9,10 <b>division</b> 4:17 <b>doctor</b> 84:1,4 126:3 186:2 320:13 <b>doctor's</b> 87:17 <b>document</b> 77:13 186:13 187:2 188:6,23 189:16 194:16 196:14,20 198:15 328:25 <b>documented</b> 115:24 <b>documenting</b> 177:22 <b>documents</b> 15:1 15:21,23 16:4 164:10,16 177:2 193:22 331:20 <b>dodge</b> 53:9 <b>doe</b> 30:24 <b>dog</b> 207:21,23 269:6	<b>dogs</b> 9:5,12,14,17 9:21 10:2,15,17,20 199:6 203:25 204:1,3,7,12 205:10,18 <b>doing</b> 41:14 67:8 135:5 168:1 183:22 202:16,19 212:22,25 213:5 224:8,14,19 264:2 264:3,4,18 297:13 309:2 314:17 <b>dolls</b> 237:24 308:7 <b>donate</b> 55:2 56:20 56:22 <b>donated</b> 43:17 45:25 46:13,15,18 47:16 70:13,15 284:6,7 315:19,22 315:25 316:10,12 316:12,13,15 <b>donating</b> 55:3 <b>donation</b> 44:7,12 45:5 48:13 <b>donations</b> 44:10 44:13,21,23 45:1 46:11 49:24 310:10 <b>donors</b> 43:23 44:1 <b>door</b> 269:10 <b>dosage</b> 207:7,11 284:11 <b>dose</b> 94:3 143:17 273:17 <b>doses</b> 94:2 143:15 <b>doubled</b> 160:20,25 160:25 <b>doug</b> 19:1,1 27:24 28:5 55:1,3 67:1 67:24 74:18 77:21 93:4 98:21 102:10	110:9 114:4 115:18,22 116:10 118:22,24 119:2 126:13,13,19,24 126:24 132:8,17 132:18 135:4 137:2,23 138:3 142:10,25 143:5 148:19 150:24 152:2,7,17,21 155:15,19,22,22 155:25 156:5,23 181:10 188:9 189:9 190:24 191:3,9 192:14 198:3 206:14,19 230:7,8,13,16,18 230:19 235:17 239:21 241:16 245:5 248:18,19 254:11 263:7 284:22,24 319:23 325:5,10,17 <b>doug's</b> 72:22 78:25 79:21 141:13,19 142:4 142:11 146:6 155:10 161:24 162:6 185:20 189:21 241:12,15 <b>downstairs</b> 231:6 <b>doxycycline</b> 319:5 <b>dr</b> 16:9,15,20,23 17:14,20 19:1 27:24 28:5 55:1,3 56:5,6,8,11,14,16 60:8,20 61:6,9,20 61:25 67:1 70:4,5 72:9,19,22 73:1,7 73:12 74:2,18,21 75:18,19,24 76:22
--	--	---	---

[dr - either]

76:24 77:14 78:17 78:21,22,25 79:2 79:16,21,24 80:24 81:8 83:10 84:13 86:23 87:9,24 88:7,14,20,24 89:8 93:7 98:5,21,24,25 99:4,9,11,16,21 100:8,14,17 101:1 101:13,17,19,20 102:4,5,10,12,21 103:1 110:8,9,9 112:7 114:4 115:18,22 116:10 116:11 118:22 119:2 122:1,7,10 122:12 123:10,14 123:17 126:25 129:11,17 132:17 132:18 133:6,6 134:24 135:18 136:16 137:23 141:19 146:6 148:9,19 150:24 152:17,17,21,25 155:10,15,19,25 156:5,23 157:4,8 157:13 158:6 161:24 162:6 170:20,23 174:7 181:3,5,7,10,10,11 181:14,21,22 186:7 187:1,6,9,23 188:6 189:5,15,21 190:2,5,11,15,24 191:3,9 192:1,5,10 192:11,14,16,18 197:8,17,20 198:12 199:10,11 199:21 200:1,2,10 201:12,22 202:5	202:11 203:11,17 203:25 204:3,6,12 204:17,22 206:19 207:3 222:7 230:9 230:21 232:6 235:21,24 236:4,8 236:10 237:11,17 238:4,14,18,23,25 239:5,21,22,23,24 240:9,12 241:12 241:15,16 242:10 242:21 243:6,19 244:5,12 246:6,8 247:11,16,24 248:10,24 249:19 250:11 251:11 252:9 253:19,22 253:23,25 254:7 254:11 262:1,7,10 262:11,13,17,20 262:23 263:7,22 319:16,16,17,20 320:6 324:19 325:1,14,25 326:7 326:19,24,25 333:11,20 335:2  <b>drank</b> 306:10 <b>draw</b> 58:19 <b>drawn</b> 102:2 <b>drew</b> 133:4 <b>drink</b> 265:21 <b>drinking</b> 89:21 149:12 157:25 <b>drive</b> 53:5 <b>driveway</b> 300:25 <b>driving</b> 193:13 <b>drop</b> 93:10 <b>dropped</b> 157:24 161:21 <b>drove</b> 141:10,18	<b>drug</b> 92:11 <b>drugs</b> 90:19 91:1 92:3 <b>drugstore</b> 157:6 <b>dry</b> 259:14 <b>due</b> 111:6 <b>duly</b> 5:18 337:5,18 <b>duty</b> 32:16 34:22 <b>dying</b> 111:23 112:13 113:14,19 116:15 117:19 124:3 127:15 133:15 139:18 148:1  <b>e</b> <b>e</b> 11:6,10,12,14,16 11:22 12:7 25:10 92:6 166:17,19 167:9,14,17,17 168:3,5,7,15,19,20 169:1,12,15,20,23 170:4,22 171:6,10 171:11,13,16,22 171:22 172:13,25 173:1,9,19,22 174:2,3,5,10,14 175:8 176:9,11,14 176:16,18,24 177:1,10,13 194:14 206:7,10 260:12 271:17 330:7,10,15,23 331:4,9 332:19 333:7,10,20,20,21 333:23,25 334:2 334:17 <b>earlier</b> 65:7 97:22 98:4 110:13 113:10 115:15 127:9 149:23 181:2 193:5	217:14,19 289:1 291:8 <b>early</b> 26:7,12 35:22 41:3,21 77:18 165:14 166:2 215:3 <b>easier</b> 214:19 217:8,12 <b>eastern</b> 1:2 4:16 4:17 337:10 <b>easy</b> 128:17 208:4 <b>eat</b> 85:11 131:13 212:9 265:10,15 265:18,25 266:14 275:23 276:1,3 277:2 279:12,18 280:4 285:6,12,12 286:13,14 311:1 <b>eaten</b> 306:10 <b>eaters</b> 280:5 <b>eating</b> 126:16 142:19 149:11 157:15,22 161:19 285:10,16 305:25 <b>eats</b> 85:11 285:8 285:14 <b>edited</b> 105:23,24 170:13 291:5,5 <b>educational</b> 8:2 <b>effective</b> 139:13 146:23 <b>effectively</b> 139:15 <b>effects</b> 147:3 <b>eggplant</b> 311:25 311:25 <b>eight</b> 9:8 188:11 189:19 208:13 210:19 248:1 <b>either</b> 10:3 17:20 26:12 41:2 68:11 71:12 105:2 118:9
---	--	---	---

[either - exactly]

121:20 126:9 145:20 182:21 224:13 276:1 280:15 300:20 310:3 311:5 321:14,21 329:24 338:9 <b>eldridge</b> 239:22 <b>electrical</b> 165:4 <b>ella</b> 108:13,23 109:2,3,11,17,22 111:24 112:13,15 <b>ella's</b> 110:11 <b>else's</b> 78:23 <b>emergency</b> 53:12 53:18 115:6 134:21 135:1 <b>employ</b> 197:3 198:16 <b>employed</b> 6:7 197:7,12 <b>employment</b> 6:9 6:14 <b>enclosure</b> 10:5,8 10:12,17 116:4 131:21 139:4 141:17,18 221:21 227:21 229:9 258:5 <b>enclosures</b> 139:5 <b>ended</b> 332:19 <b>engage</b> 228:23 250:1 <b>enhancement</b> 235:14,21,23 236:11 237:18 238:2,18,24 239:6 239:10 242:22 244:18 246:23 253:5,8 254:1,8,16	enjoy 226:6 enjoyed 225:22 <b>enrichment</b> 3:16 40:22 41:6,15 120:19,20,21 195:4,9 199:7 204:18,24 221:16 233:1,5,20 234:21 235:12,18 237:8 237:21 238:7,9 239:16 245:11 247:22 248:20 249:8,12 253:10 253:13,24 262:25 274:1,2 282:13 307:22 308:14,24 309:5 310:14,15 312:6,19 313:1 314:5 315:19 316:7,9,22,23 317:8 329:9 332:11,16 <b>enrichments</b> 260:11 <b>ensure</b> 31:3 57:9 57:18 255:7,14 256:3 257:18,22 285:4 <b>ensured</b> 60:10,24 <b>ensures</b> 256:16 <b>ensuring</b> 196:20 <b>enters</b> 302:20 <b>entire</b> 201:7 <b>entities</b> 36:24 43:16 <b>entitled</b> 29:11 <b>entity</b> 17:22 216:6 <b>entry</b> 298:22 299:8,18 <b>envelope</b> 175:6,9 175:10,11,12	<b>envelopes</b> 175:14 175:24 176:1,2,3,4 <b>environment</b> 82:15 235:14,20 235:23 237:18 238:2,17,24 239:6 239:10 242:21 244:18 246:23 <b>environmental</b> 3:16 199:6 204:18 237:8 239:16 <b>epileptic</b> 231:20 <b>epipen</b> 230:25 231:7 <b>episode</b> 142:18 <b>episodes</b> 142:14 142:23 <b>eric</b> 126:5,9,12,14 126:14 127:6,6,8 127:16,19 128:9 129:17 130:19 144:3 <b>eric's</b> 129:11,15 <b>essential</b> 233:1,20 <b>establish</b> 73:13 81:5 197:1 <b>established</b> 75:8 186:3 187:8 230:9 <b>estimate</b> 52:13,17 161:14 255:22 275:11 278:3,5 <b>estimated</b> 143:18 144:12 161:9 207:15,17 <b>estrus</b> 259:19 <b>et</b> 1:4,8 274:17 <b>ethical</b> 1:7 4:15 <b>euthanasia</b> 78:9 199:6 203:19 <b>euthanize</b> 109:22 118:16	<b>euthanized</b> 110:1 112:16 113:4 119:8 133:6,7 <b>evening</b> 192:24 305:21 307:12 309:9 <b>evenings</b> 115:24 <b>event</b> 232:6 <b>eventually</b> 140:15 320:22 <b>everybody</b> 27:12 71:17,17,18 81:6 83:19 253:10,10 253:11,17 266:22 292:9,16 303:22 303:24 304:7,7 308:10 <b>everybody's</b> 274:20 <b>everyday</b> 155:14 324:14 <b>evidence</b> 28:15,20 29:14 30:9 31:4 31:15,23 32:16,21 33:3,8,13,14 34:23 58:19 59:4,8 64:11 129:12 163:10 211:13 298:14 <b>evidently</b> 77:8 105:25 107:24 110:19 152:3 253:4 291:5 <b>eviscerate</b> 32:16 <b>exact</b> 61:6 110:18 209:22 <b>exactly</b> 16:12 23:15 26:22 32:25 33:8 168:1 200:2 200:9 216:23 223:2 243:20
--	--	---	---

[exactly - facility]

278:2 285:3 300:13 <b>exam</b> 81:17 <b>examination</b> 3:4 5:23 <b>examine</b> 111:13 118:13 162:18,21 163:17 <b>examined</b> 81:15 85:25 109:12,14 109:18 113:1 126:12 127:5 150:19,20 337:18 <b>example</b> 23:12 168:7 234:21 235:1 285:8,14 <b>exams</b> 70:18 81:6 81:9 86:13,15,18 86:20 129:5 <b>exceed</b> 277:19 <b>exception</b> 192:15 <b>excessive</b> 84:24 85:2 260:6 323:3 323:6,12,16,19 324:4,9 <b>exchanged</b> 174:7 <b>excluding</b> 67:16 <b>excuse</b> 224:6 226:1 257:13 <b>executed</b> 336:5 <b>exercise</b> 145:3 199:6 203:25 204:2,12 <b>exhibit</b> 3:10,11,12 3:13,14,15,16 30:14,15,18 32:5,6 32:9 63:16,20 66:23 68:17 71:25 76:5,6,9 103:16,17 103:20 108:11 143:20 148:17	185:1 186:13 187:2 188:7 196:9 196:11 198:16 237:2,3,6 239:13 239:17,25 240:8 240:12 242:22 294:14 <b>exhibited</b> 174:20 175:1 <b>exhibitors</b> 76:11 <b>exhibits</b> 3:7 <b>exist</b> 172:11 <b>existence</b> 43:2 216:25 <b>exists</b> 330:13 <b>exotics</b> 46:24 <b>expect</b> 49:20 181:13 293:4,6 312:18 313:1,4 319:22 320:7 322:19,25 <b>expected</b> 220:19 <b>expecting</b> 293:1 322:16 <b>expense</b> 320:10 <b>expenses</b> 46:8 51:24 52:5 316:4 316:5 321:1,5,12 321:16 322:5,15 <b>experience</b> 39:25 <b>experienced</b> 70:23 <b>expertise</b> 70:23 254:2,3,7,12 <b>experts</b> 40:7 162:17,21 163:17 <b>expires</b> 338:14 <b>explain</b> 168:8 192:5 240:17 313:13 321:6 <b>explained</b> 165:4 282:11	<b>explanation</b> 115:20 <b>expose</b> 81:23 98:2 <b>express</b> 100:1 <b>expressed</b> 101:1 103:1 <b>extended</b> 129:18 130:13 <b>extension</b> 129:23 <b>extent</b> 36:12 39:3 168:5 187:6 202:3 <b>exist</b> 172:11 <b>existence</b> 43:2 216:25 <b>exists</b> 330:13 <b>exotics</b> 46:24 <b>expect</b> 49:20 181:13 293:4,6 312:18 313:1,4 319:22 320:7 322:19,25 <b>expected</b> 220:19 <b>expecting</b> 293:1 322:16 <b>expense</b> 320:10 <b>expenses</b> 46:8 51:24 52:5 316:4 316:5 321:1,5,12 321:16 322:5,15 <b>experience</b> 39:25 <b>experienced</b> 70:23 <b>expertise</b> 70:23 254:2,3,7,12 <b>experts</b> 40:7 162:17,21 163:17 <b>expires</b> 338:14 <b>explain</b> 168:8 192:5 240:17 313:13 321:6 <b>explained</b> 165:4 282:11	67:14,18 69:2 71:9 73:14,23 74:15,23 79:5 80:22 81:10,13,14 82:18,22 83:6,12 89:17,20,23 90:4,7 91:1 95:16 96:12 99:18 100:2,20 103:21 108:10 109:9,10,14,15,17 109:23 111:1,23 112:12 113:5,13 116:15 117:10,18 124:2,17 127:15 133:15,24 135:10 139:18 144:7 147:25 148:15,15 152:19 173:13 178:22 179:23 190:7 192:19 197:1 202:3,21 204:13 205:11 207:19 209:2 210:1,11,14,18 212:2,6 213:25 215:18 217:11,13 218:18 219:4,7,10 219:17,20 220:13 220:17 221:5 226:4,21 227:16 227:17,18 228:11 230:25 232:21 234:9 236:6 247:13 248:1,12 249:1,4 252:12 253:2 256:3,10 257:2,23 258:22 273:1 283:17 288:16,24 289:4 289:17 290:25 302:25 303:7
--	---	--	--

[facility's - find]

<b>facility's</b> 198:25 199:3,11,22 200:3 200:10 202:12	<b>familiar</b> 17:22 71:5 104:1 314:19	<b>281:12,12,14,19</b> <b>281:24 282:4,5,7</b> <b>286:19,22</b>	<b>176:20 208:15</b> <b>figurines</b> 50:24 <b>figuring</b> 307:3
<b>fact</b> 3:15 8:19 29:12,18 37:7 41:5 61:15 73:11 79:5 81:4 85:5,7 115:1,5 142:14 190:2 207:1 214:20 254:1 299:15	<b>family</b> 19:10 234:16	<b>feeders</b> 238:8 <b>feeding</b> 89:18 224:9,10 279:11	<b>file</b> 18:6 26:21 50:25 51:5 132:4 184:25
<b>factor</b> 83:17 134:9 314:15 320:18	<b>far</b> 21:24,25,25 25:24 45:19 57:22 71:21 79:18 140:3 171:16,17,18 184:21 192:14 197:7,14 199:20 201:17 237:22 254:18 303:3	<b>281:21 285:4</b> 306:2 312:13	<b>filled</b> 4:15 26:16,25 <b>files</b> 165:12 189:7 <b>filings</b> 27:3,10,15
<b>factors</b> 124:7 125:23 127:23 232:2 259:8 287:22,25	<b>farm</b> 205:23	<b>feel</b> 19:6 40:12 83:2 126:21 129:8 147:12,16,20 163:1 236:23	<b>fill</b> 77:21 78:3 189:10 265:24 275:23
<b>facts</b> 58:18 211:12 298:14	<b>faster</b> 307:17	<b>feeling</b> 68:21	<b>filled</b> 77:18,19,22 78:2,12,13,15,19 189:8,12
<b>failed</b> 328:6,8	<b>fat</b> 84:10,24 85:2 275:17 276:8,14 276:15,18,20,22	<b>fees</b> 44:6 45:9 47:13,21 48:17,22 48:23,25	<b>finally</b> 195:8 327:21
<b>failing</b> 89:5	<b>fatal</b> 232:18	<b>felt</b> 23:16 26:24	<b>finances</b> 48:22
<b>fails</b> 60:15	<b>father</b> 26:4	<b>36:21 147:14</b>	<b>financial</b> 57:8,17
<b>failure</b> 81:22 138:9 152:3,11 328:10,21	<b>fatty</b> 162:4	<b>215:13,24 217:3,5</b>	<b>financially</b> 5:3
<b>fair</b> 27:2 32:20 56:25 57:7,16 64:25 109:16 112:18 113:7,12 118:7 256:9 258:4 313:25	<b>fax</b> 77:6 165:5 241:7,10,10,17,20 242:1,1	<b>217:5</b>	<b>find</b> 40:15 41:5 43:8,11 71:24
<b>fairly</b> 314:22	<b>faxed</b> 77:2,5,6,11 77:12,13 241:4,11	<b>female</b> 83:11 113:22 149:6,19	72:5 78:22 82:21
<b>fake</b> 75:14,16 191:20,22,24,25	<b>241:14,15,18,22</b>	<b>159:7,8</b>	83:5 85:5,6,13
<b>fall</b> 277:19	<b>242:8</b>	<b>females</b> 150:7 159:13,18,20	86:4 103:9 104:19
<b>falling</b> 29:25	<b>february</b> 338:14	<b>259:18 324:13</b>	105:4 107:10,13
<b>falls</b> 30:5 89:10	<b>fecal</b> 80:21	<b>female</b> 10:18	107:14,17 110:11
<b>false</b> 23:24 38:21 189:18,19 289:22 290:9 291:2 295:5 315:18,21	<b>feces</b> 251:6 306:11	<b>festus</b> 6:4 56:6 103:22	110:15 111:22
	<b>fed</b> 131:19,23	<b>fights</b> 279:12	114:24 117:22
	<b>134:13,15 281:17</b>	<b>figure</b> 52:22	118:1 119:21
	<b>282:11 309:17</b>	<b>115:10 119:11</b>	133:22 138:1
	<b>311:3,22</b>	<b>127:3 128:17</b>	139:23 140:9
	<b>federation</b> 22:24	<b>286:1 308:23</b>	142:3 165:3
	<b>fee</b> 49:10,11	<b>317:10 322:15</b>	168:22 169:23
	<b>feed</b> 277:15,16,16	<b>figured</b> 133:25	170:2 171:10
	<b>277:17 279:6,14</b>	<b>134:1 170:9,11</b>	172:9 175:22

[find - four]

288:22 291:11 313:7 322:13 <b>findings</b> 148:11,12 148:21 <b>fine</b> 15:5 119:6 136:5 249:14 264:4,19 270:20 293:23 <b>fingernails</b> 263:21 263:21 326:5,17 <b>fingers</b> 229:4,5 <b>finish</b> 19:18 38:17 55:12 59:11,14 95:14 110:16 115:2 130:9 151:17 156:2 160:22 167:16 169:19 171:9 178:20 190:5 203:22 216:5 243:7,9 252:7 262:19 274:15 275:2 292:8,9 293:4 330:1 <b>finished</b> 8:5 69:8 69:19 144:4 208:24 209:17 <b>fireworks</b> 288:6 <b>firm</b> 4:23 <b>first</b> 5:18 24:7 30:21 34:16 39:11 65:18 76:17 82:25 109:1,11,13,16,17 113:1 114:21 115:8,12 118:12 126:11 127:5 136:4,10 137:18 151:21 153:12 161:7 176:17 181:10 188:15 196:23,24 198:20	200:6 213:23 214:23 302:2 303:8 329:14 337:18 <b>fit</b> 267:19 <b>five</b> 9:16 35:14,16 119:12 171:20,21 205:14,15,17 227:25 228:1 254:20 269:21 270:23 313:22 <b>fixed</b> 228:11 305:3 <b>flat</b> 302:5 <b>flee</b> 207:22 <b>flew</b> 179:12,18 <b>florida</b> 99:2 <b>flow</b> 139:4 <b>flu</b> 83:3 96:3,6,11 96:19,23 97:8,9,11 97:12,15,18,21 98:1 147:20 <b>fluctuate</b> 255:19 <b>fluid</b> 116:9 153:2 158:13 159:22 <b>fluids</b> 132:25 157:25 <b>flus</b> 66:10 <b>folder</b> 11:1,2,4 120:11,11,12 245:24 332:7,8 <b>follow</b> 74:18 75:7 76:15 214:24 215:22 239:6 325:15 327:6 <b>followed</b> 75:13 244:22 <b>following</b> 75:2 80:25,25 86:24,25 88:7,8 109:24 110:1 134:21	135:22 142:13 163:4 302:1 <b>follows</b> 5:21 198:24 <b>food</b> 91:11,12,13 96:14 125:24 131:20 157:24 160:12,15 221:13 224:16 277:20,24 281:7 283:4 285:5 285:6,22 286:2,24 309:7 310:17 311:10,16 316:23 317:7 <b>foods</b> 125:22 126:2 138:16 <b>foot</b> 82:18,22 83:6 92:20 93:12 153:4 153:6,9,13 156:18 157:8 158:21 161:2,7 230:9 319:10 <b>footage</b> 290:15 <b>force</b> 270:19 300:2 300:4,14,15,16,16 300:17,19,20 301:1,4,6,7,9,10 301:11,14 302:14 <b>forearms</b> 263:12 265:3 <b>foregoing</b> 336:2 337:21,24 <b>forever</b> 37:5 210:25 211:8 212:1,3,5 213:25 214:10 215:17 216:16,20 220:23 221:1 <b>forgot</b> 59:25 257:12 306:19 110:1 134:21	<b>form</b> 73:25 74:6 77:7 87:14 128:1 184:11 185:3,4 186:5 187:12,15 <b>formal</b> 197:2,3,8 197:11,12,15 198:17 <b>formally</b> 191:1,5 191:18 192:1 198:12 <b>forms</b> 184:17 186:9 <b>formula</b> 283:23 <b>formulated</b> 284:1 <b>forth</b> 138:22 196:20 200:16 337:25 <b>forward</b> 293:13,19 293:25 294:2 <b>forwarded</b> 170:5 <b>foul</b> 213:20,21 <b>found</b> 31:25 78:21 79:23 149:16 150:5 180:3,7 <b>foundation</b> 1:4 2:14 4:14 17:23 18:1 21:22 30:23 31:7 46:17 57:13 58:17 59:2,3 72:14 83:24 88:3 104:22 105:6 107:3 128:3 133:18 139:21 233:8,15,25 257:6 258:14 <b>four</b> 9:15 10:10,11 183:11 227:25 232:23 255:2 269:5,20,21,24 270:22,23 278:6,6 278:10,10,12
---	--	---	---

[four - go]

290:13 311:4,5 329:4 <b>free</b> 172:5 304:12 304:13,16,17 314:5 <b>freezer</b> 163:12 <b>friday</b> 177:5,9,10 <b>friend</b> 48:8 53:14 102:5 <b>friends</b> 12:18,20 48:4 49:25 50:1 53:21 55:8 <b>front</b> 154:15 185:2 240:21 265:3 <b>frozen</b> 245:12 308:4 <b>frugal</b> 52:5 <b>fruit</b> 277:18,25 278:8,16,17,19,20 281:23,24 305:7 308:5 <b>fruits</b> 265:11 286:14 <b>frustrated</b> 259:19 <b>full</b> 164:8 265:2 273:14 330:5 338:3 <b>fuller</b> 160:1,3 <b>fully</b> 36:17 253:16 <b>fun</b> 305:5 <b>function</b> 21:13,23 <b>fund</b> 47:25 53:12 320:23 <b>pricing</b> 81:5,9 86:3,11,12 222:25 <b>funds</b> 40:17 43:17 43:20,21 44:2 55:6,7 57:9,19,22 58:14 60:11,25 148:10	<b>funneled</b> 46:16 <b>fur</b> 326:11 327:12 <b>further</b> 187:10 335:13 338:8 <b>future</b> 85:25 86:1 86:7,8,13,20 99:6 100:12,20 174:14 <b>g</b> <b>gabapentin</b> 319:4 <b>gabby</b> 118:5,8,13 118:16 124:1,4 125:1 126:4 130:19 <b>gained</b> 161:17 <b>gas</b> 52:1 <b>gate</b> 298:22,24 299:1,3,7,16,16,17 299:23 300:23,24 301:25 302:7,8,15 302:17,20,20 <b>gatorade</b> 304:14 304:16,17 305:8 305:10 <b>general</b> 173:7 274:22 288:10 <b>generally</b> 58:13 64:1 72:10,20 73:3,8 101:9 <b>generic</b> 277:17 <b>generous</b> 55:1 56:17 319:23 <b>germ</b> 263:1,3 <b>getting</b> 65:18 82:3 82:10 83:2 85:25 86:15 97:8 138:6 138:8 159:12 177:19 218:25 219:22 222:19 226:14 266:4 278:18 279:24 280:14 286:17	320:16,19 329:2 <b>gfas</b> 22:17,25 23:7 <b>gibbon</b> 140:21 143:24 146:11,16 <b>girl</b> 83:15 84:21 285:18 <b>girls</b> 228:8,8 259:21 <b>give</b> 38:6 42:12 52:13,17 59:18 63:14 93:8 94:22 101:13 102:13 103:22 120:22 121:10 122:1,7,13 122:18 142:10 164:7 176:24 177:12 182:22 184:5,5 194:20 195:10 201:18 202:14 212:5 214:4,20 215:11 215:16,17 237:23 237:23,24 246:15 248:15 249:5 253:14 265:17 266:1 275:11 277:7 279:9 282:19,20 283:2,8 284:11 285:2,6 286:2 304:9 305:20,22,24 306:17 308:1,3,8,9 308:10,22 309:3 310:2,5,8 316:3 325:12 326:3 331:1 <b>given</b> 9:19 10:9 48:11 59:3 93:4 123:2 212:1 236:15 245:15 309:14 328:24	329:1 335:17 338:5 <b>gives</b> 253:10,17 <b>giving</b> 59:10 66:12 138:16 223:24 237:22,22 245:11 283:16 326:25 <b>glass</b> 226:8 <b>global</b> 22:24 <b>glove</b> 308:11 <b>gmail</b> 169:10 176:15 <b>gmail.com</b> 169:5 170:18,25 <b>gmail.com.</b> 166:20 <b>go</b> 4:10 10:3,20 15:5,11 46:14 47:25 57:13 62:8 64:18 69:3 91:7 96:9 98:19,22 99:13 102:1,6,16 103:3 108:8 110:5 111:17 125:8 126:23 168:1 171:17,18,24 178:14,21,25 179:20 186:15 188:9,12 193:8,15 197:25 199:14,16 200:12 212:9 213:4,6 214:19 217:7,10 218:18 219:25 224:13,20 227:24 243:3,6,13 243:23 247:9 252:7 267:3,7,11 267:18 268:4 269:10,10 270:5 270:10,19 273:11 288:20 293:19,25 294:2 302:25
--	---	---	---

[go - hair]

303:8,13,21,25 304:1 305:11,24 306:21 308:1,3,10 310:7 313:22,23 320:13 328:25 334:10 <b>god</b> 191:16 <b>god's</b> 240:15 <b>goes</b> 25:2 46:4,4 143:18 171:19 207:14,15,25 224:1 227:23 303:4 307:17 331:14 <b>going</b> 4:2 8:25 13:14 14:16,24 15:9,10,11,15,22 16:2,3,7 17:3 22:3 22:12 23:13 25:14 25:18 28:22 30:12 31:21 33:16 34:5 38:1 43:25 48:18 48:22 49:3 57:12 58:1,4,8,10 60:4 60:13 62:13 72:13 73:24 74:16 80:9 80:10,14 83:23,25 85:21 86:14 87:13 88:16 89:13 98:3 98:21 99:1 101:6 101:23 104:21 107:22 114:25 116:8 132:2 138:14 140:17 148:24 163:21,25 180:14 181:20 193:23 194:9 196:3,6 200:4 201:1,8 211:4,12 214:7 215:20 220:1 222:21	224:19 225:2,6,10 226:15 233:6 246:11 248:7,13 252:13 254:22 255:1 257:5 258:12 259:19 261:19 266:7 269:25 270:14 271:3 272:20 279:11 280:4 285:11 292:8,15 293:7,13 294:10 295:14,19 296:20 297:17 298:18 299:13 302:4,5 310:12 313:11 320:12,14 321:18 321:20 331:11 335:16 <b>good</b> 4:1 5:25 6:1 19:5 40:10 54:4 77:10 107:23 115:22 126:22 130:16 132:6 147:20 163:19 209:15 215:13 219:3 250:12 252:3 287:1,13 335:10 <b>goodman</b> 2:13 5:10,10 30:19 331:24 <b>goods</b> 43:18,20,21 43:22 44:2 <b>gosh</b> 69:3 92:24 271:20 <b>gotten</b> 96:3 121:25 158:25 159:1 170:15 177:16 335:1	<b>governed</b> 8:10 <b>granola</b> 309:12 <b>grapes</b> 278:15 311:7 <b>grave</b> 112:20 118:9 <b>great</b> 98:13 177:12 281:18 <b>grew</b> 235:4 263:18 327:21 <b>groom</b> 228:21 229:5 234:9 249:22,23 <b>groomer</b> 323:6,12 <b>groomers</b> 323:16 323:19 324:4,10 <b>grooming</b> 228:23 229:1,3 323:3 324:13 325:2 326:6 327:22 <b>ground</b> 90:23,25 91:4 <b>group</b> 27:6,6 39:11 266:24 <b>grouped</b> 247:20 <b>groups</b> 114:11 266:23 267:9,10 <b>grow</b> 264:23 <b>grows</b> 234:16 <b>guardian</b> 103:9 <b>guess</b> 21:14 22:6 33:7 38:20 43:6 43:13 44:22 45:12 45:14,22,22 46:7 64:18 71:4 107:19 107:20 118:10 124:5,14 127:19 133:19 134:4 137:5 139:12,25 147:21 148:3,7 154:17,18 155:17	161:16 163:5 171:23 172:10 173:10 192:20 206:11 213:10 214:13 219:11 221:6 259:2,16 279:16 280:19 285:20 286:6,23 287:20,21 289:7 309:15 <b>guessing</b> 176:6 210:6 232:23 258:7 271:20 <b>gummy</b> 90:2,2 283:22 <b>guns</b> 288:9 <b>guy</b> 302:2 <b>guys</b> 193:12,16 271:4,7 272:20,21 <b>gyn</b> 112:8 113:22 113:25 119:2
<b>h</b>			
<b>h</b> 185:6 <b>habit</b> 130:11,15,16 263:5,8,10,20 <b>habits</b> 303:7 <b>haddix</b> 12:21 44:4 47:12 172:12 173:2,23 <b>hair</b> 130:14 237:23 259:8,11 259:12,17,20,23 260:3,6,8,9,15,17 260:21,22,25 261:3,6,12,14,21 261:25 262:6,12 262:16,19,24 263:11,18 264:23 265:5 308:7,21 325:3,16 326:2,12 326:20 327:9,15			

[hair - huh]

327:21,23,24	305:9,13,21	192:13 193:8,12	226:9
328:15	306:12	212:10 227:5	<b>homeowner's</b>
<b>half</b> 271:22 329:1	<b>happy</b> 329:17	<b>hearts</b> 192:14	52:20
<b>halt</b> 163:8	<b>hard</b> 125:6 183:7	<b>heat</b> 267:4	<b>hope</b> 49:22 212:3
<b>hammocks</b> 314:23	183:8 223:8 224:3	<b>held</b> 4:19 41:19,25	323:2
314:24,25 315:3,6	<b>harm</b> 58:15 98:2	174:19 175:1	<b>hoped</b> 107:10
315:7,9	100:11,13,23	<b>hell</b> 182:10 183:25	<b>hopefully</b> 216:16
<b>hand</b> 53:13,18	150:4 233:5,14,23	193:8 285:1 299:1	<b>hopes</b> 38:23
179:10,11 194:5	<b>harned</b> 12:3 18:21	334:10	<b>hoping</b> 181:15
338:12	44:4,5 158:2	<b>help</b> 26:23 44:6	<b>horse</b> 265:20
<b>handed</b> 179:9	292:3	45:8 46:12 53:19	<b>hose</b> 306:22
<b>handful</b> 329:4	<b>hate</b> 59:18,19	53:20 54:6 55:6	310:13
<b>handing</b> 30:17	<b>he'll</b> 320:8	57:5 95:9 133:4	<b>hosing</b> 224:15
32:8 76:8 103:19	<b>head</b> 249:2 278:7	245:22 259:3	307:5
196:8 237:5	331:1	294:13 327:18,20	<b>hospital</b> 148:25
<b>handle</b> 96:14,15	<b>heading</b> 198:21	<b>helped</b> 327:16	<b>hot</b> 255:17
96:17	<b>heal</b> 153:11	<b>helping</b> 47:12	<b>hour</b> 178:23,24
<b>handled</b> 148:19	<b>health</b> 16:14 87:3	56:17	179:6 312:10
<b>hands</b> 102:18	87:11 88:1 94:9	<b>hi</b> 224:2,14,16,17	313:18,20
104:5 121:15	255:7,14 256:4,16	224:18,19 303:22	<b>hours</b> 6:24 7:3
222:12,16,22	257:18,22 258:17	303:23 304:1	53:6,7 115:23
223:1,6,12,14,25	258:25 273:17	<b>hidden</b> 289:21,25	135:2 224:3,4
224:4,11,23 225:8	274:17 279:3,21	<b>hide</b> 128:12 129:1	252:20 329:1
234:12,17	279:24 280:8,17	<b>high</b> 8:5 93:21,25	<b>house</b> 8:18 92:12
<b>happen</b> 27:8 36:15	281:8 286:3,17	<b>hire</b> 42:23	92:14 159:17
113:23 117:16	287:1	<b>history</b> 6:14	187:25 188:1
135:19 217:4	<b>healthy</b> 63:12	108:24 119:17	219:14 232:1
237:19 290:8	85:11	130:22 131:14	241:18 314:18
303:19 307:23	<b>healzer</b> 12:21 44:4	<b>hmm</b> 219:6	<b>housed</b> 8:7,23 9:22
313:19	44:5 54:4 292:6	<b>hold</b> 89:11 201:18	9:25 18:10 39:17
<b>happened</b> 28:11	292:11 302:13	<b>holding</b> 121:14	39:17 114:8,10
28:12 95:22	<b>hear</b> 48:19 189:24	<b>hole</b> 163:1	130:25 138:10,12
110:19 113:24	198:2 301:19	<b>home</b> 7:5,6,6 10:3	138:14 140:12
132:3 154:12	302:1,6,7,9	37:5 64:19 91:6	146:2,5,8 158:18
160:8 162:12	<b>heard</b> 197:19,24	107:11,15,18	158:19,22 159:12
171:22 175:23	290:6,14,14	114:1 142:12	221:7,9 227:16,18
176:6 184:19	302:10	210:25 211:8	256:17 285:4
215:9 241:21	<b>heart</b> 84:10	212:2,3,5 213:25	<b>houses</b> 54:5
292:22 294:16	124:14 138:9	214:2,8,10,21	<b>housing</b> 256:14
<b>happens</b> 96:5	149:25 151:25	215:17 216:16,24	<b>huh</b> 11:3 24:24
211:15 304:5	152:2,11 191:15	220:23 221:2	35:17 51:6,20

[huh - inspection]

52:24 80:19 91:23 108:14,19 122:17 123:19,21 130:21 132:20 139:8 145:15 152:15 154:1 160:4 164:12 170:12 179:17 198:23 201:25 203:10 205:3,7 218:17 229:17 231:10 243:8 253:1 283:18 284:4 290:4 292:4 300:10 302:14,23 303:18 304:14 306:4 307:6 309:23 315:12,17 320:2 <b>human</b> 96:20 234:12,16 <b>humans</b> 234:18 283:24 <b>humidity</b> 257:17 257:21,24 258:4,9 <b>hundred</b> 19:11 28:8 68:5 113:16 113:18 171:5 242:13 255:19 265:9 280:4 287:12 311:11 319:17 <b>hundreds</b> 102:19 217:25 <b>hungry</b> 285:24 <b>husband</b> 302:12 <b>hygiene</b> 303:6	<b>idea</b> 26:23 48:14 52:14 78:25 79:22 156:21 183:10 218:6 219:13 274:23 288:23 289:7 297:20,22 <b>ideal</b> 311:4 <b>ideas</b> 25:24 238:7 245:9,10 326:25 327:1 <b>identification</b> 30:16 32:7 63:17 76:7 103:18 196:12 237:4 <b>identified</b> 24:21 90:12 185:3 329:22 330:22 <b>identify</b> 25:15,21 43:16 47:1 50:6 54:1 71:13 83:13 222:3,8 275:3,6 280:25 281:14 287:22 330:14 <b>ignore</b> 60:16 82:5 105:7 <b>ii</b> 30:24 <b>il</b> 1:20 <b>illness</b> 56:14 <b>imaging</b> 148:25 <b>immediately</b> 109:7 136:25 160:8 <b>immunity</b> 147:21 <b>implement</b> 250:23 <b>important</b> 128:22 234:12 273:19 <b>improper</b> 15:2 49:6 87:16 125:9 125:13,14 <b>inadequate</b> 233:4 233:18,22	<b>inappropriate</b> 117:14,14 258:17 258:24 <b>incident</b> 165:11 <b>include</b> 60:15 172:15 321:12 <b>included</b> 75:6 320:3,9 321:5 322:5 <b>includes</b> 87:15 317:7 <b>including</b> 31:1 54:10 143:23 167:8 330:24 335:7 <b>income</b> 50:6,12,13 50:14,20 51:9,12 51:23 52:3 <b>inconsistent</b> 64:11 84:1 254:9 <b>independent</b> 162:17,21 163:16 <b>index</b> 3:1 <b>indicate</b> 77:6 <b>indicated</b> 28:25 112:22 248:14 <b>individual</b> 20:11 27:11,16 50:25 71:18 131:20 220:1 223:13,13 223:24 233:10 234:11 <b>individualized</b> 71:16 211:22 213:4 218:1 219:1 219:23 220:9 223:12 224:4,7,10 234:4 <b>individuals</b> 20:11 222:24 223:12	<b>indoor</b> 255:5,10 255:13 256:14 <b>indoors</b> 255:9 <b>infections</b> 68:18 69:6,13 <b>informally</b> 216:14 <b>information</b> 30:25 32:1 63:23 227:12 237:15 247:10 273:25 280:22,24 281:1 329:14 <b>informed</b> 101:13 294:14 324:3 <b>ingrid</b> 281:20 <b>initial</b> 20:20 77:25 78:17 135:9,22 136:2 137:6 187:12 <b>initialed</b> 77:23,24 78:10 187:14 189:13 <b>initially</b> 74:2 <b>injured</b> 92:20 100:19,22 153:6 156:17 <b>injury</b> 56:15 81:24 153:9 155:17 156:20,22 158:21 <b>inside</b> 135:24 256:3,10 257:2 258:5 306:20 <b>insides</b> 263:12 <b>inspect</b> 91:8 289:1 289:19 291:9,20 <b>inspection</b> 67:3 75:21 174:23 188:2 225:3,11 289:10,14 291:14 293:5,13,16,20 294:1,3 298:19,22
<b>i</b>			
<b>ia</b> 1:20 <b>ice</b> 271:12			

[inspector's - kelly]

<b>inspector's</b> 324:15 324:18 <b>install</b> 315:3 <b>installed</b> 315:7,11 <b>institutes</b> 205:1 <b>instruct</b> 49:3 325:25 <b>instructed</b> 97:22 296:13,15 297:11 326:7 <b>instruction</b> 326:24 <b>instructions</b> 97:20 231:9 294:19 295:10 296:2,5 308:23 <b>insurance</b> 52:1,19 52:21,25 53:1 <b>intake</b> 131:24 157:24 160:13,15 161:21 277:19,20 277:24 286:6 <b>intend</b> 214:15 215:6,11 <b>intended</b> 18:6 <b>intent</b> 37:12 210:4 211:15,17 215:8 <b>intention</b> 215:15 215:16 227:9 <b>interact</b> 228:13 234:8 235:2 249:6 249:21 327:11 <b>interacting</b> 249:15 <b>interaction</b> 147:4 234:18 235:6 247:23 <b>interest</b> 60:9,23 61:16 99:7 103:2 192:13 217:6,9 <b>interested</b> 5:3 157:15,21 338:10	<b>interfere</b> 4:7 <b>interference</b> 4:5 <b>intermittent</b> 142:14 <b>internet</b> 273:23 274:8 275:1 <b>interrogatories</b> 5:21 <b>interrupt</b> 31:22 243:14 292:10 321:25 <b>interrupting</b> 243:10 321:19 <b>intestinal</b> 68:18 69:6,13 <b>intimidation</b> 300:21 <b>invading</b> 288:3 <b>investigation</b> 41:17,23 <b>involving</b> 134:25 <b>isolated</b> 111:25 112:1,6 131:23 133:25 147:7 150:7 <b>isolation</b> 147:2 <b>issue</b> 29:9 31:2 48:22 127:3 129:9 142:5 145:5 159:16 160:13 192:13 <b>issues</b> 16:14,14 141:23,24 142:1 <b>items</b> 47:16 235:19 238:9 253:24 316:7,14 328:6 <b>iv</b> 116:8 132:25 <b>ivermectin</b> 206:7 <b>ivomec</b> 206:5 208:21	<b>j</b> <b>jane</b> 30:24 <b>january</b> 121:4 194:24 208:3,7 <b>jar</b> 48:13 <b>jared</b> 2:13 5:10 30:19 <b>jaredg</b> 2:19 <b>jars</b> 44:8,12 <b>jaundice</b> 129:21 <b>jaundiced</b> 129:18 129:19 <b>jefferson</b> 148:25 <b>jelly</b> 277:6 <b>jim</b> 194:17 <b>job</b> 1:24 19:7 96:10 334:10 <b>jobs</b> 95:1 <b>joey</b> 177:23 178:4 178:5,8,9 179:6,9 179:10,11,13,19 179:24 180:3,7,11 180:14,16,25 226:20 227:2,3,7 227:10,15,18 228:19 229:8,13 229:19,22,23 230:5,11,14,14,19 230:20,23 231:1 231:20 232:7,9,10 232:20,21 <b>joey's</b> 231:23 <b>join</b> 98:22 <b>jones</b> 56:5,6,8,11 56:14,16 70:4,5 110:8,9 112:7 116:11 122:1 126:25 129:11,17 133:6,6 152:17 181:5,7,10,21 190:11 192:16	319:16,17 320:6 <b>jones's</b> 152:25 158:6 <b>jotted</b> 120:15 <b>judge</b> 15:4 <b>juggle</b> 95:8 <b>july</b> 26:12 28:13 28:25 29:5 30:19 32:9 34:9,17 35:1 114:15 <b>june</b> 141:4,21 142:21 208:3,7 209:4,17 <b>junior</b> 8:4 <b>junk</b> 85:12 125:24 <b>k</b> <b>k</b> 35:3 92:6 <b>keep</b> 10:24 11:4 44:10 90:19 91:1 91:8,20 119:15 153:20 174:24 175:2,14,24 177:25 178:3 208:5,8 211:9,16 214:10,11,15,17 215:6,8,17 217:24 220:19 230:25 245:23 255:21 317:15 327:14 <b>keeper</b> 219:11 281:20 <b>keeping</b> 121:23 321:1 <b>keeps</b> 197:24 243:10 <b>kelly</b> 69:4,15 130:20,22,25 131:1 132:6,12 133:7,8,16,22 134:13,18 247:19
--	--	---	--

[kept - know]

<b>kept</b> 10:2 11:1 91:11,13 120:9 153:24 182:12 183:3 218:3,8,11 218:13 231:3 264:22	318:21	<b>knock</b> 302:4 <b>knocking</b> 67:8 <b>know</b> 6:20 13:11 15:3,3,4 16:16,25 18:23 19:12,18 20:12 22:5 25:20 27:21 28:11,12 29:16,16 31:18	127:13,22 128:2,5 128:20,21 132:8 132:10 133:2,4,19 133:20 134:4,6,8 134:11 137:6,9,12 137:25 138:20 139:22 140:3,6,13 142:6,10 143:13 148:7,8,11,14,23 149:1 150:14 152:12 153:8 154:5,7,13 155:11 156:1 158:11 160:13,14 161:25 162:3,5 164:15 165:9,13,20,24 166:9 167:9,23 170:9,24 171:19 171:23 172:17,18 176:12 177:5,6,17 177:25 180:16,21 181:15,20 182:15 182:24 183:3,6,14 183:17 184:9,11 184:13,21 188:20 189:19,21,23 190:12,24 191:12 192:24 193:6 194:15 195:17 199:20 200:7 206:1,9 207:1,10 207:17,20,22,23 212:7 213:10,11 217:16 218:25 219:16,19,22,23 219:25 220:12,16 220:21 221:3,15 221:22,24 222:9 222:18,18 223:11 224:9,21,22 225:1 225:5 226:20
<b>kerry</b> 9:10 144:8 158:22 267:17	207:21 221:13,16 221:18 229:1	<b>27:21</b> 28:11,12 29:16,16 31:18	139:22 140:3,6,13 142:6,10 143:13
<b>ketamine</b> 92:6,7,8 92:16 93:3,7,15	230:14 232:16 234:19 245:12	32:14,20 33:12,25 37:1,19 38:25	148:7,8,11,14,23 149:1 150:14
<b>kevin</b> 44:5 292:3	251:5 268:2 269:9	40:8 41:12 44:1	152:12 153:8
<b>kid</b> 284:2	269:11 270:9	45:19 47:10,15,17	154:5,7,13 155:11
<b>kids</b> 213:5 284:3,7	274:22 282:13	47:19,25 48:1,1	156:1 158:11
<b>killed</b> 111:24 112:13 113:15,20 113:25 116:16 124:4 125:1,10 127:16 133:16,22 139:19 148:2,6 150:15	288:8 303:21 304:6	49:5 50:5 51:13 51:14 52:1,12,20	160:13,14 161:25 162:3,5 164:15 165:9,13,20,24 166:9 167:9,23 170:9,24 171:19 171:23 172:17,18 176:12 177:5,6,17 177:25 180:16,21 181:15,20 182:15 182:24 183:3,6,14 183:17 184:9,11 184:13,21 188:20 189:19,21,23 190:12,24 191:12 192:24 193:6 194:15 195:17 199:20 200:7 206:1,9 207:1,10 207:17,20,22,23 212:7 213:10,11 217:16 218:25 219:16,19,22,23 219:25 220:12,16 220:21 221:3,15 221:22,24 222:9 222:18,18 223:11 224:9,21,22 225:1 225:5 226:20
<b>kimmy</b> 16:21 69:16 70:9,10 151:16,17,19,20 151:24 152:5,6,19 153:3,10 154:20 154:22 155:13 156:17,22 157:14 157:20 158:5,9 159:23 160:19 163:2,6,16 234:20 234:25 235:4 288:19,21 317:19 318:3,4,5,6,7,8,9,9 318:14,22 319:1 319:13,25 323:6	215:6,11 216:2,7 222:1	<b>kissing</b> 229:3 <b>kitchen</b> 227:22 281:18 282:10	68:4,5,11,13,15 69:25 70:2,8,22
<b>kimmy's</b> 155:13 155:16,20 156:6,9 156:15 157:8 160:25 161:6 162:12 163:17 234:22 235:3	<b>kitzel</b> 114:13,15 114:20 115:6,13 115:15,20,25 116:16 118:4 144:3	<b>kitzel's</b> 117:6,8,17 <b>kk</b> 24:12,15,21 26:15 35:13 36:3 37:14 39:12,16 211:20,25 213:24	71:5,15,21 72:8 75:16 80:20 83:3 83:13 84:3,6,9,11 84:12 85:23 86:3 90:11 92:6 94:3,8 98:22 99:2 102:15 104:9 105:15,17 105:21,22 106:11 106:24 107:19
	222:1	<b>knew</b> 29:21 30:3 79:10 111:11	108:2,18 111:7,7 111:10 112:1,5,7 113:4,8,11,13 114:3,8,21 115:8,9
	243:25 247:10	273:20	116:18 117:5,8,12 117:21 118:24
			120:16 121:1 122:21 123:9 124:8 125:4,6,20 125:22,25 127:3

[know - level]

227:4,4 229:7 231:11,14,17,23 232:8 233:9 234:2 235:2 236:7,8 240:2,19,20,24,25 241:22 242:2,5,23 242:24 243:4,11 243:16 244:6,9,13 244:13 245:2,6,13 245:18 246:4,14 246:17 247:8 248:5,17,17 249:9 250:25 251:14,19 252:21 253:9 254:14 256:5 257:19 258:15,21 259:8 261:9 262:8 264:2,3,13,15 265:7,17,19,24 266:8,16 267:12 269:4 271:20 272:2,3,25 273:6 273:16,20,22 274:4,19,24 275:15,18,21 276:7 277:15 278:4,24 279:19 279:20,23 280:6,7 280:15,16,21 281:10,19 282:1,3 282:7,17 283:6,8 283:14 285:9,20 286:16,23,23 287:3,8,16,17,19 287:21 290:2,17 293:15 297:8,10 297:20 298:16 302:3 303:6,11 305:1,2,3 306:14 308:5,22 309:4,7 309:10,11,11	310:14,17,20 311:9,15,16,17,18 312:7,9,18 314:8 314:12 317:10,14 319:2 320:4,12,12 320:14,15,21 323:18,22 324:1,2 324:4,5,7,7,7 325:10,17,19 326:4,10,21 327:13 330:7,8,13 330:13,18 333:24 334:10 <b>knowing</b> 179:25 218:8 <b>knowledge</b> 68:15 <b>known</b> 22:25 129:1 <b>knows</b> 12:22 79:18 102:10 128:2 190:10 192:14 197:25 250:13 <b>kool</b> 304:8,10,12 304:15,20 305:10 <b>kris</b> 4:25 <b>kristine</b> 1:19 337:4 <b>kurt</b> 26:23 <b>kurtis</b> 28:14 30:20 32:10	128:3 133:18 138:19 139:21 148:10 246:18 257:6 258:13 323:4 <b>lacks</b> 58:14 <b>language</b> 87:15 213:13,20,21 <b>large</b> 222:23 <b>lasted</b> 135:1 <b>lasts</b> 209:16 <b>late</b> 41:3 <b>laundromat</b> 6:17 <b>law</b> 257:8 292:2 <b>lawful</b> 5:18 <b>laws</b> 336:2 <b>lawsuit</b> 26:17,21 27:4,10,15 42:20 46:9 103:23 104:25 174:4 <b>lawyer</b> 20:21 28:14,20 31:14 34:21 <b>lawyers</b> 48:12 169:24,24 170:16 177:12 182:22 246:5 291:15 294:4,6,7,24 295:16 296:12,24 <b>lay</b> 96:8 302:5 <b>laying</b> 157:14,21 <b>lead</b> 268:6,9,13,18 268:20,22,23 269:3,5,7,19,24 270:3,5,9,11,13,18 271:11 <b>learn</b> 149:21 <b>learned</b> 197:16 <b>leave</b> 178:14 179:20 193:17,20 299:6 312:4	<b>lectured</b> 15:8 <b>left</b> 64:8 78:20 116:9 175:5,9 305:22 310:22 312:3 <b>legal</b> 4:22,23,25 14:1,11 22:4 32:24 34:3 46:8 47:21 48:17,21,23 48:24 49:10,11 257:7 258:13 296:24 <b>legs</b> 263:12 <b>length</b> 12:15 <b>leona</b> 260:20 262:16,19 324:23 328:14,16 <b>leona's</b> 262:24 <b>lesions</b> 153:3 <b>lesser</b> 311:12,14 <b>lethargic</b> 157:14 157:17,20,24 158:1 <b>letter</b> 3:10,11 18:5 18:13 20:20 22:8 22:21 23:2 24:5 27:25 28:14,19 29:4,7,12,21 30:3 30:8,18 31:10 32:10 34:7,21 195:8 328:5,10 329:6 332:25 <b>letting</b> 138:19 <b>lettuce</b> 276:25 278:7 310:22 311:5,23 <b>level</b> 39:25 90:23 90:25 91:4 256:11 256:16 257:3,24 258:9
		<b>I</b> 1 13:4 206:10 <b>lab</b> 68:1 282:18 316:6 <b>laboratory</b> 148:10 148:12,20,21 <b>labs</b> 148:18 <b>lack</b> 31:6 57:12 58:17 59:2,2,9 72:13 83:24 104:21 107:3	

[levels - loud]

<b>levels</b> 256:2 257:17,21	<b>lisinopril</b> 94:3 <b>list</b> 8:23 66:22 67:14 69:1,9 143:20 174:22 238:1 328:5 329:7 331:1 332:24 334:25	<b>lock</b> 267:3 <b>log</b> 119:15 171:24 332:11 333:22 <b>long</b> 13:21 14:14 14:19 56:10 69:3 111:19 119:7,10 126:18 127:11,12 <b>listed</b> 148:17 275:18	160:2 172:25 194:6 235:5 274:3 274:10 281:3 291:11 <b>looking</b> 59:22 69:9 161:14 226:8 326:5 <b>looks</b> 59:18 64:5 64:19 153:13 184:25 241:3 <b>loose</b> 270:4 <b>lose</b> 125:7 136:3 <b>losing</b> 131:19 135:21 136:9 325:13 <b>loss</b> 130:14,23 131:4,8,13 135:14
<b>license</b> 63:6 174:24 175:11 204:10	<b>listen</b> 322:3 <b>listing</b> 63:20 174:19,25 <b>listless</b> 141:6 <b>lists</b> 235:19	<b>longer</b> 37:24 43:1 214:15 263:25 307:19 329:11	135:19 136:5 259:8,11,12,23 260:3,6,8,10,15,17
<b>licensed</b> 7:11,17 8:20,20 65:4,10,22 73:22 74:14 174:18 197:1	<b>little</b> 44:23 80:5,6 90:2 93:4,10 121:16 151:18 154:24 175:19	<b>look</b> 25:24 45:3 47:23 49:13 52:11 56:4 59:10,19,20 63:18,25 71:17,18	260:21,22,25 261:3,6,12,14,21 261:25 262:6,12 262:16,19,24 265:5 325:3,16 326:2,20 327:9,24
<b>licensee</b> 186:2 199:2	<b>light</b> 57:7,17 <b>lighten</b> 36:21 <b>lighter</b> 36:20 38:11	<b>live</b> 52:5 288:8 <b>lived</b> 250:14 <b>liver</b> 127:19,20,23	<b>lost</b> 262:9 325:7 <b>lot</b> 56:21 91:16
<b>licorice</b> 253:12	127:24 140:16,16 211:9 214:11,12 214:16,18 215:7,9 242:11 252:1 334:9	127:25 134:8 152:3,11 161:23 161:23 162:4	115:22,24 122:9 124:12,14 128:13
<b>lifespan</b> 150:18	<b>lighting</b> 273:15 <b>lightly</b> 116:6 <b>lights</b> 273:13 303:9,15,25	<b>lives</b> 52:14 <b>llc</b> 1:16 337:13 <b>loaded</b> 116:9	135:25 147:2 153:2 165:3 172:5 223:8 234:4,6
<b>lifestyle</b> 117:15	<b>lighten</b> 36:21 <b>lighter</b> 36:20 38:11	<b>locate</b> 164:25 <b>located</b> 4:20	235:6,10 261:10 261:10 276:3
<b>light</b> 57:7,17	<b>location</b> 31:2 183:15,17	183:15,17 <b>looked</b> 42:1 54:17	288:11 304:8 307:16 308:3,25
<b>lighten</b> 36:21	218:5	106:18,19,20,20	<b>lots</b> 22:15,16 84:9
<b>lighter</b> 36:20		120:7 126:14	<b>loud</b> 108:18
38:11		143:9 154:9 160:1	288:10,11

[louis - methods]

<b>louis</b>	1:17 2:7 4:21 281:20 337:3,14 338:12	169:15,20 171:16 171:22,22 172:25 173:1,9,19,22	<b>mate</b>	147:6	110:4 138:3,16 206:16 209:2,13 232:10,12,14 321:5,8,9		
<b>love</b>	19:10 102:10 193:7,12 222:24 236:19 272:11	174:5,10,14 330:7 330:10,15 331:4,9 333:10,20,21,23	<b>matter</b>	4:14 30:25 33:21 215:9 224:15 251:1 263:17	<b>medications</b>	90:15 90:19 91:9,14,19 206:12 207:8	
<b>loved</b>	216:16	334:2,17	<b>matters</b>	99:20 329:24	<b>medicine</b>	63:7,15 91:18 93:25 94:1 186:3 208:13 209:1 316:6,13 317:7,19,21	
<b>loves</b>	181:1	<b>maintain</b>	281:8 287:1	<b>maxed</b>	58:7	<b>medicines</b>	319:9
<b>low</b>	334:9	<b>maintained</b>	256:3 256:10,16 257:3 257:17,22 258:9	<b>mean</b>	7:16 16:12 65:14 96:11 107:25 108:19	<b>meet</b>	14:14 72:10 72:19 73:2,7
<b>lunch</b>	151:18	<b>making</b>	138:15	<b>mean</b>	121:2 159:19	<b>meeting</b>	20:3 21:5 21:7,24 27:5,13 216:13
<b>m</b>		<b>male</b>	113:23 145:4 149:6,7 159:2,6,9	<b>means</b>	211:7 212:7 214:9 223:2 240:1	<b>meetings</b>	21:8,17
<b>m</b>	13:4 92:6 176:2 206:7	<b>males</b>	159:13,18	<b>man</b>	251:23 285:11 291:3 294:6 296:8	<b>member</b>	27:9,14 27:16 40:1
<b>ma'am</b>	5:25 24:24 46:1,3 51:16,22 133:13 154:3 174:16 201:23 202:2 205:5,9,19 272:1 279:13 309:25	<b>man</b>	232:22 301:22	<b>manner</b>	319:12	<b>members</b>	19:22 20:5 39:22
<b>machine</b>	165:5 177:9 241:10	<b>march</b>	76:19	<b>measles</b>	20:7 33:9 33:12,14,24 55:23	<b>memorial</b>	148:25
<b>mail</b>	12:7 25:10 42:14 166:17,19 168:7,15,19,20 169:23 170:4,22 171:6,10,11,13 172:13 174:2,3 175:8,18 176:11 176:14,23,24,25 177:1 194:14 271:17 330:23 332:19 333:7,25	<b>mark</b>	30:13 32:4 76:4 103:15 237:1	<b>meant</b>	211:9 214:10	<b>memory</b>	101:10 164:8
<b>mailed</b>	167:9 176:9,14,18 177:10,13 333:20	<b>marked</b>	30:16,18 32:7,9 63:17,19 76:7,9 103:18,20 108:10 185:1 186:6,13 188:6 196:9,12 237:4,6 239:16,25 242:22	<b>measure</b>	286:11	<b>mental</b>	323:4
<b>mailing</b>	176:16	<b>marshall</b>	18:21 27:24 284:9 315:10	<b>media</b>	4:11 80:11 80:15 163:22 164:1 254:23 255:2	<b>mentioned</b>	99:1 181:2 184:4 283:16
<b>mails</b>	11:6,10,12 11:14,16,22 167:14,17,17 168:3,5 169:1,12	<b>mart</b>	98:3 157:6 277:17	<b>medical</b>	54:24 55:4 93:18 94:15 110:18 118:17 119:17 199:5	<b>mesh</b>	228:13,21,21 228:24 229:2
		<b>martina</b>	2:12 5:8	<b>medication</b>	203:18 316:22 320:23	<b>mess</b>	166:14 223:19
		<b>martinab</b>	2:18			<b>messages</b>	334:20
		<b>massive</b>	134:25 135:3	<b>medication</b>	89:24 90:3,6,12 91:1,15 91:17,22 92:1 93:24 96:7 110:2	<b>messsed</b>	110:20
		<b>master</b>	103:9 104:19 105:4			<b>methods</b>	78:9 199:5 203:19

[metro - need]

<b>metro</b> 148:24	<b>misstates</b> 60:14	94:16 95:17,21	50:3 210:24 216:6
<b>microphones</b> 4:3,7	<b>mistaken</b> 187:9,10	96:2 151:21	<b>mpf's</b> 46:14
<b>middle</b> 252:5	187:11 203:13,14	316:24 317:6,18	<b>multiple</b> 273:25
<b>mikayla</b> 9:10	230:23,24 236:12	317:20,21,22,23	284:12 296:1
247:20 267:19	236:13 254:2,17	318:23 319:1,11	<b>music</b> 237:24
<b>millions</b> 147:22	254:18 269:12	320:1 321:10	245:11
<b>mind</b> 36:15 102:13	<b>misunderstanding</b>	<b>monthly</b> 51:11,23	<b>n</b>
191:15 269:13	65:13	316:4,14,16 317:8	<b>n</b> 1:17 2:6 13:4,4,4
293:12,15 337:17	<b>misunderstood</b>	320:3,10 321:1,4	13:4 206:8,10
<b>mine</b> 42:4 255:21	260:13 289:12	322:15,24	337:13
297:20	<b>mitchell's</b> 194:17	<b>months</b> 46:18	<b>n.w.</b> 2:15
<b>minerals</b> 265:12	<b>mitigated</b> 110:12	126:4 134:18	<b>name</b> 4:22 6:2
<b>minimal</b> 70:14	113:9	151:15 171:20,21	12:24 13:9,11
<b>minimum</b> 251:14	<b>mo</b> 1:20 2:7	208:4 321:11	44:15 48:7 83:13
252:10 279:23	<b>moldy</b> 310:5	<b>morning</b> 4:1 5:25	92:23 114:13
<b>minute</b> 135:23	<b>mom</b> 125:7 262:9	6:1,23 149:13	125:19
193:14,20 294:12	325:7,13 327:23	223:21 292:23	<b>names</b> 24:10 47:9
<b>minutes</b> 19:25	<b>money</b> 45:8,15,25	305:3,11 310:23	47:10 63:20 64:2
80:8 96:9 254:20	46:4,19 47:1,6,16	313:2 328:3	64:13,14,14 94:22
313:21,23	48:11,13,14 49:17	<b>motel</b> 179:21	<b>naumann</b> 12:25
<b>mirror</b> 59:23	49:20 50:3,9	<b>motions</b> 294:15	13:2
<b>mischaracteriz...</b>	51:11,14 53:11,17	<b>mouth</b> 145:18	<b>near</b> 103:22
38:2 62:6 72:14	55:9,13 57:1,5	254:4 292:19	<b>necessary</b> 58:24
<b>misplaced</b> 119:20	222:25 272:7,9	<b>move</b> 19:10	60:2 270:2
<b>improper</b> 257:7	317:18 318:20,25	114:11 145:2	<b>need</b> 14:8 15:3,8
<b>misrepresentation</b>	322:24,25	267:13 268:3	36:21 64:18 67:23
87:16	<b>monitor</b> 131:24	305:15 306:16,18	79:20 94:14 96:8
<b>misrepresented</b>	279:6,13	306:18	114:24 129:10
268:24	<b>monkey</b> 55:8	<b>moved</b> 42:4 228:7	130:9 167:16
<b>missing</b> 180:4,5,7	263:3 265:10,14	307:1	171:9 178:20
288:16,20 330:7,9	265:22,25 266:2	<b>moving</b> 35:11	190:5 193:14,16
330:11,16,17,21	266:10,13 273:12	37:21 126:17	195:19,20,25
<b>mission</b> 37:7	275:9,18,22,25	227:2 238:9,11	209:4 210:25
210:23 211:11,14	276:3,17,23 277:4	<b>mpf</b> 18:1,7,17	213:9,10 217:3,5,7
<b>missouri</b> 1:2,4,18	286:7,13 287:17	20:22 26:16 27:2	234:18 249:6,7,8,8
4:14,17,21 6:4	305:20,21,23,24	27:10,15 36:23	249:20,25 251:15
17:23 18:1 21:22	309:11	37:4,7,11 42:19,23	265:13 266:13
30:22 46:16 49:16	<b>monkeys</b> 48:8	42:24 43:1,12,14	270:8 272:21
337:1,5,10,14	<b>month</b> 6:5 20:19	44:15,17,24 45:2,5	273:17 274:17
338:13,19	45:4 50:18,20	45:10,12,16,25	275:2 287:14
	51:17,19 52:6	46:13 49:17,18	292:18 293:4

[need - objecting]

297:4 303:6 305:14 306:21 331:9,13 <b>needed</b> 54:2,23 77:21 94:8 115:6 127:2 169:14,21 179:21 192:16 227:13 231:18 271:8 272:22 <b>needing</b> 320:19 <b>needs</b> 246:24 247:12,17,21,25 248:11,25 249:4 249:10,14 250:24 252:11 255:23 274:6 275:4 307:1 307:3 328:11,22 <b>negative</b> 68:7 <b>negligently</b> 136:17 <b>neutered</b> 150:25 <b>never</b> 27:3 100:7 100:25 101:17 102:17 112:18 125:14 126:8 129:5 131:5,6 149:10,11 150:9 152:5 157:17,23 157:25 165:7 180:18,19 187:7 190:6 191:9 197:7 197:12 198:3,5 199:17 204:11 208:15 211:14,15 211:16 214:1,17 215:8 216:13 217:5 231:16,19 236:11 240:17,19 242:10,17 247:18 247:18 254:4,15 264:21,25 285:24 306:9 325:1	<b>new</b> 54:2 107:11 107:15,17 120:25 121:2 166:4 217:13 245:5,8 314:22,24,25 315:3,7,15,16 <b>news</b> 131:17,18 <b>night</b> 6:23,25 111:9 179:20 250:15 309:14,22 334:8 <b>nine</b> 64:17 <b>noise</b> 288:12 <b>noises</b> 288:10 <b>noncompliant</b> 328:6 <b>nonhuman</b> 199:7 204:19 246:24 256:15 328:12,22 <b>nonprofit</b> 21:23 22:2 46:13 <b>normal</b> 32:17 36:23 37:1,4,10 65:6 66:16 71:14 71:19 84:19 <b>normally</b> 66:14 126:16 179:1,3,22 311:4 <b>north</b> 4:20 <b>notarial</b> 338:12 <b>notary</b> 1:20 337:4 338:18 <b>note</b> 4:3 121:16 270:24 271:2,6,15 271:16 <b>notebook</b> 120:17 194:25 195:1,4,5,9 <b>noted</b> 189:7 <b>notes</b> 129:11 130:7 130:10,11,13,15 130:16 131:25	132:3 148:9 152:4 194:17 282:2,17 329:9 <b>notice</b> 18:5,5,9 20:20 129:14 135:20 136:8,10 136:13 163:15 210:4 288:15 337:8 <b>noticed</b> 129:25 158:14 260:8 <b>noticing</b> 5:7 <b>november</b> 18:4 210:1 338:13 <b>number</b> 3:8 4:17 71:12 78:8 80:11 80:15 163:22 164:1 174:25 184:12 185:14 217:14 241:10,17 254:23 255:2 334:4,12 <b>numbers</b> 174:19 <b>numerous</b> 248:18 <b>nutrients</b> 266:5 <b>nutrition</b> 117:14 <b>nutritional</b> 274:5 275:4 283:1,5 286:25 287:6,7,9 287:13,15 <b>nutritionist</b> 125:15 <b>nutritionists</b> 125:17 <b>nutritive</b> 281:8 <b>o</b> <b>o</b> 35:4 206:7 <b>oath</b> 5:1 80:18 164:4 187:21 <b>oaths</b> 337:6	<b>ob</b> 112:8 113:22 113:25 119:2 <b>obese</b> 71:13 83:20 83:25 84:7 <b>obesity</b> 83:17 <b>object</b> 8:25 13:14 14:16 15:6,15 17:3 22:3,12 23:13 25:14,18 28:22 29:1,24 31:6 32:23 33:16 38:1 43:25 48:18 49:3 57:12 58:1 58:16 59:1 60:4 60:13 62:5 70:19 72:13 73:24 74:6 74:16 79:17 83:23 83:25 85:21 87:13 88:16 89:13 101:6 103:6 104:21 107:2 112:21 127:17 128:1 133:17 139:20 140:17 200:4 201:1,8 211:1,4,12 215:20 224:24 233:6,24 246:11 247:6 248:13 252:13 257:5 258:12,19 269:1 273:3 290:10 294:10,20 295:2 295:12,19 296:18 298:9 299:10,13 299:19 315:23 323:8 331:14 335:13 <b>objected</b> 27:19 296:11 <b>objecting</b> 62:8
---	---	--	--

[objection - outside]

<b>objection</b> 15:7,12 15:25 16:6 30:10 57:21 61:2 82:4 82:12 84:8 88:3 89:2 105:6 128:7 190:21 191:7 233:15,25 252:18 273:7 297:15	158:6 241:12,15 <b>officer</b> 29:5 <b>offices</b> 1:15 337:12 <b>official</b> 27:13 <b>oh</b> 12:18 65:11 82:21 106:19 120:14 132:3 140:5 143:2,7	195:22 208:16 213:14,19 215:3 216:11 224:13 238:6,22 240:4 242:5 243:20 260:8 261:13 269:23 270:10 271:14 277:5,10	<b>operations</b> 32:17 <b>opinion</b> 103:2 274:20 <b>opportunity</b> 330:4 <b>opposed</b> 217:10,22 <b>opposite</b> 215:21 <b>opted</b> 297:12 <b>option</b> 267:7,10 <b>oral</b> 5:21 <b>orange</b> 138:23 <b>oranges</b> 276:25 278:14 310:21 311:5,23 <b>order</b> 21:22 24:1 76:5 87:11 88:1 92:21 103:16 237:2 270:3,5,10
<b>objectionable</b> 298:13	155:3 157:9 173:1 174:4 182:18 185:7 194:18 224:18 228:4,22	282:17,17 288:5 289:20 292:14 295:1 297:3 298:25 300:16	<b>ordinary</b> 130:12 223:7,14 224:12 225:4,11 226:11
<b>obligation</b> 33:6	232:22 259:14	303:8 304:7	<b>organization</b> 21:23 22:2
<b>obligations</b> 32:15 32:21 33:2	270:7 271:20 289:12,24 320:17 329:3	305:13 306:12 311:1 313:3 314:4 318:12,25 319:11	<b>original</b> 37:12 120:24,25 263:22
<b>observation</b> 63:13	<b>oil</b> 260:12 263:1,3	319:20 328:4	<b>originally</b> 77:1
<b>observe</b> 10:21 299:25	<b>okay</b> 6:15 7:13,15 7:22 9:6 14:14 17:8,11,17 19:17	331:2,5 334:17 <b>old</b> 104:11 149:20 154:23 158:16	<b>ought</b> 279:24
<b>obtain</b> 92:1 93:3 330:5	19:21 23:18 29:15 31:20 32:3 34:6 34:18 38:4,9 39:3	159:8,16 162:19 241:10 244:25 265:19 270:8 324:23,23	<b>outcome</b> 5:3
<b>obviously</b> 123:24 329:24 331:13 335:1	47:25 48:11 57:15 58:13 59:18 60:1	<b>omits</b> 74:7 <b>once</b> 25:25 243:22 <b>ones</b> 25:13 67:16	<b>outdoor</b> 266:20
<b>occasion</b> 34:16,17	65:13 67:1 71:21	67:17,18,21 69:10 70:3 123:10,16	<b>outdoors</b> 221:23
<b>occasions</b> 34:12 325:18	72:24 74:24 75:7 77:8 81:19 88:22	145:13 194:13 235:11 268:3 274:20 314:18	<b>output</b> 131:24
<b>occurred</b> 28:25 129:13 294:22	91:3 95:25 102:3 105:10 109:16	315:15,16 330:22 <b>online</b> 45:8	<b>outside</b> 10:3,4,7 10:12,15,19,20
<b>occurrence</b> 324:14	111:6,14 123:5	268:3 269:9 299:3 299:5,16	146:13 148:10,11 148:17,21 226:7
<b>october</b> 1:18 4:2 318:10,12,17 337:16	138:19 144:6,21	<b>open</b> 44:19,20	255:20 266:22,24
<b>offer</b> 108:1,6	156:4 160:23	268:3 269:9 299:3 299:5,16	267:4,7,11,15,17 267:18,24 268:4
<b>offered</b> 107:23	163:11,14 164:19	<b>operated</b> 152:20	269:7,8 270:3,6,10
<b>offers</b> 103:22	164:22 168:10,11	<b>operating</b> 152:13	270:15 273:11
<b>offhand</b> 54:16 207:20	168:14 169:18 173:6 174:4,13	<b>operation</b> 115:7	300:23,24
<b>office</b> 101:21 113:5 115:3 116:11 126:25 142:11 152:25	176:8,19 182:2 183:19 186:21,25 188:9 189:6 193:4 193:25 194:11		

[outstanding - pernikoff]

<b>outstanding</b> 54:10 54:13 329:23	148:13 319:8,14 320:5,6,8,21,22 322:17	<b>partner</b> 324:12 <b>parts</b> 26:12 <b>party</b> 5:2 <b>pass</b> 118:20 <b>passed</b> 150:23 <b>patient</b> 322:2 <b>pay</b> 47:1,6 48:11 48:23 52:8,12 53:22 54:1,8,25 <b>papers</b> 101:22 102:1,2 120:16 185:20 188:3 190:12 244:14 245:5,8,16 247:9 297:5	173:12 198:9 200:17 201:18 219:24 224:17 225:7,14 226:4,7 226:19 247:9 248:19 253:15 261:9 288:9 292:22 334:7,7
<b>overeat</b> 266:7 276:8 286:21	<b>paint</b> 326:16 <b>painting</b> 326:5	<b>percent</b> 28:8 68:5 113:16,18 168:2 171:5 202:9	
<b>overeater</b> 285:17	<b>panacur</b> 206:5,8 208:22	236:23 242:13 265:9 266:3	
<b>overgroom</b> 263:9 263:10,19 264:24 324:11,13	<b>paper</b> 54:17 105:25 189:3	275:13,14,25 277:19,21 278:21	
<b>overgroomed</b> 324:12 325:6	<b>papers</b> 101:22 102:1,2 120:16 185:20 188:3 190:12 244:14 245:5,8,16 247:9 297:5	280:4 287:12 311:11,15 315:20 315:25 316:2	
<b>overgrooming</b> 259:15 263:14,16 264:14,16,19,21 327:22	<b>paperwork</b> 47:19 164:18 235:22	<b>percentage</b> 222:14 275:8,16 278:19 278:20,20 281:24 311:12,14	
<b>overheard</b> 162:1	<b>paragraph</b> 32:12 196:24,24 201:2	<b>perimeter</b> 10:18	
<b>overnight</b> 135:19	<b>paragraphs</b> 201:8	<b>period</b> 64:22 135:19,21 142:21	
<b>oversee</b> 197:4	<b>parasite</b> 63:12 75:4 199:4 202:12 202:17,20,24 203:7	160:17 178:25 223:23 250:22,25 266:1 275:24	
<b>overweight</b> 71:13 83:12 85:3,4,5,7 85:10,14 276:2,6,8	<b>parasites</b> 68:19 69:6,13 70:1	312:11,15 325:6	
<b>owned</b> 22:16 174:19 175:1	<b>pardon</b> 84:17	<b>periods</b> 20:12	
<b>p</b>			
<b>p</b> 185:6 206:8,10	<b>part</b> 35:23 78:1,11 78:20 95:3 187:16 189:8 241:2 296:25 301:1,3 309:9	<b>perjury</b> 336:1	
<b>p.m.</b> 7:1,4,8,20,25 94:11,19,23	<b>particular</b> 35:8 71:19 91:21 92:4 98:15,20 206:15 233:13 239:15 242:21 292:23 314:2	<b>pendency</b> 31:4 <b>pending</b> 337:8 <b>penny</b> 12:21 44:4 94:25 97:16 292:6	
<b>page</b> 3:3,8 27:12 76:17 77:12 186:10 188:12,15 188:17,18,18,18 188:20,21,23 189:2,3,5,6,11,12 191:19,22 198:20 236:15 241:14,20 241:21 242:2 329:7	<b>penny's</b> 302:12	<b>permanent</b> 50:22 214:2,8,20 314:10	
<b>pages</b> 1:25 189:4 241:21 242:1 329:4,4 337:24	<b>people</b> 1:7 4:15 19:17 27:18,20 46:11,23 47:1,6,8 47:11,15,16 53:19 53:20,22 54:1	<b>pernikoff</b> 16:9,15 16:20,23 17:20 19:1 27:25 60:8 60:18,20 61:6,9,20 61:25 67:1 73:1,7	
<b>paid</b> 46:19 48:17 48:25 49:10,11,15	<b>particularly</b> 284:1 <b>parties</b> 4:9 338:9 338:10	73:12 74:2,21 75:18,19,24 76:22 76:24 77:14 78:17	

[pernikoff - plan]

78:21,22 79:2,16 79:19,24 80:24 81:8 83:10 84:13 86:23 88:7,20 93:7 98:5,24,25 99:4,9,11,16,21 100:8,14,17 101:1 101:13,17,19,20 102:4,5,12,21 103:1 122:7,10,12 123:10,14,17 134:24 135:18 136:16 148:9 157:4,8,13 170:20 170:23 174:7 181:3,11,14,22 186:7 187:1,6,9,23 188:6 189:5,15 190:2,5,15 192:1,5 192:10,11,18 197:8,17,20 198:12 199:11,21 200:1,2,10 201:12 201:22 202:5,11 203:11,17,25 204:3,6,12,17,22 207:3 222:7 230:9 230:21 232:6 235:21,24 236:4,8 236:10,16 237:11 237:17 238:4,14 238:18,23,25 239:5,23,24 240:9 240:12 242:10,21 243:6,19 244:5,12 246:8 247:11,16 247:24 248:10,24 249:19 250:11 251:11 252:9 253:19,22,23,25 254:7 262:1,7,10	262:11,13,17,20 262:23 319:16 324:19 325:1,14 325:25 326:7,19 326:25 333:11,20 <b>pernikoff's</b> 17:14 72:9,19 87:9,24 88:14,24 89:8 246:6 263:22 319:20 326:24 335:2 <b>perry</b> 2:22 4:22 <b>person</b> 17:5 25:12 25:13,16,18,22 42:22 45:24 48:23 111:5 115:23 127:20 193:11 253:16 302:11 <b>personal</b> 44:14 <b>personalized</b> 222:11,15 223:24 224:22 <b>persons</b> 42:22 43:16 <b>pertained</b> 201:7 <b>pet</b> 6:18 <b>peta</b> 2:14 18:5 19:9 22:8,15,17,22 23:5,9,16,19,22 24:1,5 26:17 29:13 30:8 31:3 31:14,23 32:11 37:17,20 38:18,23 38:25 39:6,9 101:14 102:14,18 103:22 105:11 107:10,14,17 211:17,19 226:25 289:7,21 290:1,9 291:5,8 292:25 293:2 301:23	302:2,15,19 334:4 334:12 <b>peta's</b> 20:21 28:13 28:19 288:25 289:18 290:15,23 291:19 298:21 300:1 <b>petaf.org</b> 2:18,19 <b>phone</b> 11:7,9,10 11:13,17,18,20,22 25:9,11 42:15,16 42:17 105:3 171:17,18 173:21 181:17 182:15 257:13 334:3,12 334:22,22,23 <b>phones</b> 4:6 <b>photograph</b> 104:3 104:6,10 <b>photographs</b> 11:5 42:7,10,12,16 104:7 182:2,23 229:6,8 <b>photos</b> 329:5 330:7 331:9 334:17 <b>phrased</b> 295:11 <b>physical</b> 67:8 81:17 86:18,20 111:17 125:8 300:2,19 301:4,6 301:23 302:14,18 <b>physically</b> 146:8 150:20 267:24 <b>physician</b> 93:18 <b>pick</b> 4:4 154:25 178:14,21,25 179:6 181:17 208:4 271:4,7 272:18,19,23 290:12 309:21	312:3 <b>picked</b> 271:8 309:8,14 310:19 323:10,11 <b>picker</b> 153:10 154:20,21,22 155:9 <b>picking</b> 155:13,16 155:20 156:6,9,15 178:13 <b>picture</b> 104:1,11 <b>pictures</b> 104:13 182:11,17 183:9 183:13 184:4,5,10 218:15,16 220:24 229:13,14,19,21 334:13 <b>piece</b> 93:11 145:24 <b>pieces</b> 281:23 <b>pile</b> 251:6,7 <b>pink</b> 306:22 <b>place</b> 4:6,9 19:23 24:7 65:18 162:15 165:18 211:22 216:15 222:23 229:2 243:5,18 264:1 272:3 <b>placed</b> 99:8 102:17 220:22 221:1 222:5 <b>placenta</b> 118:20 <b>places</b> 53:25 98:23 99:3 220:7 256:6 281:11,14 <b>placing</b> 222:3 <b>plaintiff</b> 1:5 2:3 <b>plaintiffs</b> 4:13 5:9 5:11 30:24 <b>plan</b> 181:7 192:21 192:23 193:2,3 212:17,18 213:6
--	--	--	---

[plan - pretty]

232:25 233:4,10 233:12,18,20,22 234:20,21,24,25 235:6,14,20,23,25 236:4,11 237:18 238:2,4,13,17,23 238:24 239:5,9 244:18 247:3,12 247:15 248:11 250:23 253:5 254:1,8 325:15 328:11,21 <b>planned</b> 308:13 <b>plans</b> 85:24 86:6 86:19 99:5 235:8 246:23 <b>planted</b> 289:21 290:1,9 <b>play</b> 37:20 223:5 224:20 228:8 234:8,13 249:7,21 269:11 270:1,3,15 308:11 312:8 327:10 <b>playing</b> 224:14 249:15 309:1 <b>plays</b> 253:11 <b>please</b> 4:3,5 5:6,16 6:2 13:3 30:13 47:9 59:14 60:17 62:16 63:18 82:7 88:22 103:16 196:10 237:2 <b>plenty</b> 145:2,3 <b>plus</b> 46:23 159:16 178:7 328:25 <b>pneumonia</b> 97:2,3 97:5 137:21,24 138:13 140:2,4,15 140:21,23 141:2 146:19	<b>pocket</b> 110:20 316:6 <b>point</b> 35:24 36:2 41:2 42:18 61:16 92:19 101:12 103:11 107:22 114:24 121:12 131:3 150:23,25 166:9,13 197:16 211:25 212:4 214:3 215:5,10 217:3 223:11 280:19 293:12 294:24 295:9 296:13 297:12 331:8 335:9 <b>pointing</b> 191:19 <b>points</b> 330:16 <b>police</b> 301:17 <b>polio</b> 66:11 <b>poor</b> 259:25 <b>popcorn</b> 253:13 <b>population</b> 82:14 <b>portion</b> 17:3 298:5 298:9 <b>portions</b> 291:6 <b>posing</b> 150:15 <b>position</b> 105:18 <b>positive</b> 68:6 <b>possession</b> 75:23 104:4 196:17 333:12 <b>possibility</b> 97:1 128:25 133:19 148:8 163:18 <b>possible</b> 60:6 100:11,13 101:3 116:14 124:2 125:9,13 127:8,14 133:14 139:12,17 148:4 168:19	286:19,22 <b>possibly</b> 82:3,10 90:8 116:20 203:16 <b>post</b> 3:14 104:23 <b>potential</b> 100:19 <b>potentially</b> 232:18 <b>potty</b> 7:23 <b>pound</b> 114:16 <b>pounds</b> 143:22 144:2,7,11,12,19 145:5,11 161:10 161:17 207:23,23 207:24,24,25,25 282:18 286:9 <b>practice</b> 63:6 <b>praying</b> 322:21,22 <b>precatory</b> 87:15 <b>precautions</b> 97:7 159:11,17,19,19 <b>precisely</b> 204:21 <b>predict</b> 320:11 <b>pregnancy</b> 111:20 <b>pregnant</b> 111:7,10 111:11,13 158:10 158:24,25 159:1 159:12,23 <b>premise</b> 73:25 <b>premises</b> 230:8,10 289:1,19 291:20 <b>preparation</b> 14:4 <b>prepare</b> 13:12 <b>prepared</b> 63:19 136:19,23 333:2 <b>prescribed</b> 92:3 157:4,7 <b>prescription</b> 91:18 92:3 143:6,7,10,12 <b>prescriptions</b> 91:20	<b>present</b> 2:21 89:9 93:1 111:2 301:15 301:22 <b>presentation</b> 329:9 <b>presented</b> 114:15 131:20 334:14 <b>presently</b> 6:7,19 8:7,22,23 51:11 57:9,18 61:21 65:2 66:2 67:18 69:2 73:20 83:11 85:17 86:19,22 89:24 116:15 124:3 190:6 191:11 205:11 210:17 218:3 219:4,7 221:7 239:9 257:1 <b>preservation</b> 29:7 32:13,14,21 <b>preserve</b> 32:16 33:8,13,14 34:22 163:9,16 <b>preserved</b> 28:16 28:20 29:14 30:9 31:15,23 162:17 162:21 174:11 <b>preserving</b> 30:24 33:3 <b>press</b> 104:9,18 105:2,8,12,12,19 106:3,6 170:6 174:2 <b>pressure</b> 93:21,25 107:21 <b>pretty</b> 8:1 64:5,19 83:15 84:21,22,22 94:13 96:1 143:17 209:23 256:7
---	---	--	--

[prevent - produced]

<b>prevent</b> 65:17 72:3,8 82:2,10 97:8 146:20,24 232:7	<b>primate</b> 1:4 4:14 17:23 18:1 21:22 30:22 46:16 49:16 67:15,19,22 68:7	74:1,7 129:15,20 141:3 156:6,7	208:10,10 210:6 229:21 232:24
<b>preventable</b> 59:15 81:23 82:2,9	98:5 103:21 140:1 201:17 233:23	<b>private</b> 4:4 22:16 23:11 52:5 217:24	235:17 241:9 242:8 244:16
<b>preventative</b> 65:14 66:15 73:10 74:3,5,8,18 75:5	256:15 274:9 <b>primates</b> 37:5 43:18,23 51:25	<b>privilege</b> 13:15,18 13:23 14:17 15:16 15:17 17:4 28:23	246:7 251:20 252:3 256:12 261:19 267:13 269:5,20,21
<b>prevented</b> 37:15 66:12 72:1 117:24 133:23 140:7,14 149:22	52:3 63:21 64:4,6 64:16 65:2,25 66:14,17 68:17 71:25 72:12,21	29:2,16 30:1,5 33:25 34:1 294:11 295:3,12,20 296:19 297:16 298:8	271:21 274:9 277:6,8 278:21 280:1 287:2 288:4 297:1 303:16 306:15 325:4,10
<b>preventing</b> 180:1	81:9,13,14 90:4,7	<b>privileged</b> 32:1 33:17 49:5	327:23 329:3,4
<b>preventive</b> 59:15 61:22 62:1,20,22 62:24 63:3,9 65:3 65:5,6,9,17,20,21 72:2,11,21 73:4,13 73:21 74:11,13,21 74:25 75:3 221:19	108:9 111:23 112:12 113:13 116:14 124:2 127:14 133:14 139:17 146:20 147:9,19,25 148:5 148:16 150:16	<b>probably</b> 9:19 12:18 16:17,18 24:9 26:2,7,25 28:5,7 35:22 41:3 41:21 43:6 44:7 45:3 51:18 52:18	<b>problem</b> 111:20 118:11 127:4 129:10 161:23 262:5 263:23 296:17 324:10
<b>previous</b> 39:4 101:21 130:22 153:21,25 169:24 171:22 246:19 294:6 332:12,16	151:8 199:7,18,24 201:21 204:19 209:25 210:2,10 210:14,17,20,24 217:15,19 218:10	54:22 55:6,15 63:5 64:18 65:23 66:19,20 67:23 71:15 83:15,19 85:3,4 90:8 93:12	<b>problems</b> 16:14 258:18,25
<b>previously</b> 24:17 24:22 35:11,12,14 35:17 38:6 61:5 94:10 118:19 129:13 153:5 156:17 167:6 173:25 194:23 226:4 289:10,13 291:13,15,18	219:2,9,13,20 233:2,5,21 234:24 246:25 247:13 248:1,12,25 249:4 250:13 258:18,25 259:9,11 260:3 265:5 276:9,10 288:15 328:12,22	94:17 95:20 104:11 109:13 110:24 116:8 119:11 127:10 131:10 132:14	<b>proceed</b> 252:2 298:20
293:11,14 297:23 298:11,19 323:15 328:4 331:20 332:24 333:3	<b>printed</b> 121:1,25 154:19 182:13 204:25 236:14	144:3,8,12 147:5 149:24 150:21 153:7 156:11,13 157:11 161:9	<b>proceeding</b> 5:6
<b>primary</b> 266:17	<b>printer</b> 236:15 <b>printout</b> 103:21 <b>prior</b> 9:1 12:4 37:19 38:2 60:14	165:8,13,24 169:22 170:9 171:19,24 173:24 175:5 177:7 179:20 182:8,21 183:11,21 202:6	<b>process</b> 14:4 <b>produce</b> 120:2,23 164:9,17 173:9 178:13,14,17,21 178:25 180:6 182:16 183:24 184:2,8,10 251:4,5 251:5 309:8,13 312:3
			<b>produced</b> 120:22 121:10 123:6,11 123:15 167:18

[produced - puzzle]

169:7,14,21 170:8 170:23 183:20,23 330:1 331:17,20 331:21,23,23 332:4,4 333:22 335:8 <b>producing</b> 194:10 <b>product</b> 15:17 206:3 <b>profane</b> 213:13,16 213:19 <b>profanity</b> 213:9 <b>professional</b> 244:20 245:3,20 <b>profit</b> 217:15,17 217:17 <b>prognosis</b> 112:20 118:9 <b>program</b> 3:13,16 73:14,21 74:3,4,8 74:14,21 75:2,8,10 75:18,19,23 76:9 76:12,24 79:7,15 79:24 185:23 186:1 188:15 197:2 198:22 199:1,4,6,17 202:12,21 203:25 204:3,12,22 237:8 237:10,17 239:16 239:23,24 242:22 243:4 248:21,23 281:22 <b>programs</b> 199:7 204:18 <b>prolapse</b> 135:4,8,9 135:13,22 136:2,4 136:7,10 137:7,10 <b>prolapsed</b> 135:6 136:6	<b>promote</b> 235:14 <b>pronounce</b> 114:13 <b>proper</b> 19:8 20:3 48:20 59:5,6 134:13,15 <b>properly</b> 314:20 <b>property</b> 7:9,16 9:4 52:8,18 200:16 288:4 293:10 298:23 299:8,18 300:2,5 300:14,22,24,25 301:5,8,14 <b>proposal</b> 18:16 19:3 20:13,25 22:22 104:18 105:3 <b>proposed</b> 18:9 23:6 103:8 <b>proposing</b> 20:21 103:11 <b>propounded</b> 5:21 338:1,5 <b>protect</b> 87:3,11 88:1 226:23,24 227:5 233:1,20 274:17 280:8 <b>protein</b> 259:25 274:16 287:14 <b>proteins</b> 265:12 <b>protocol</b> 200:3,11 200:21 <b>protocols</b> 199:3,12 199:22,24 202:4 <b>provide</b> 37:4 40:17 57:10,19 58:14 60:11,25 72:11,20 73:3,10 73:21 74:13 79:24 87:9,24 88:10,14 88:25 89:5 99:17	104:13 121:5,19 123:18 130:14 155:12,15,19,25 170:15 174:14 210:24 238:3,4 245:8 246:5 247:11 250:7,19 252:10 254:8 310:13 312:19 313:1 314:4 320:25 321:13 328:11,21 <b>provided</b> 62:20,24 63:2,10,24 65:3,8 86:24 105:17 106:2,5,22 123:11 154:14 174:1 194:1,16,24 195:4 195:9 196:15 238:13 250:5,17 251:12 295:25 296:5 329:3 331:12 332:23 <b>protecting</b> 156:5 193:24 253:5,8,21 312:5 <b>provisions</b> 144:10 144:18,22,24 199:8 <b>psychological</b> 233:1,21 235:15 <b>public</b> 1:20 200:15 337:4 338:18 <b>pull</b> 68:2 114:1,5 120:1 171:25 172:21 186:10 259:17,20 263:11 310:3 327:23 <b>pulled</b> 67:25 143:13 153:10 188:8 328:15	<b>pulling</b> 259:22 326:12 327:14 <b>punch</b> 305:7 <b>purchase</b> 314:25 <b>purchased</b> 314:22 314:24 <b>purple</b> 138:20,21 138:23 194:25,25 195:5 332:6 <b>purposes</b> 17:25 335:6 <b>pursuant</b> 337:8 <b>push</b> 271:9 <b>put</b> 34:7 44:6 45:8 46:11 47:17 48:14 54:2 55:15 57:4,6 57:22 58:6 78:22 86:5 93:10 110:2 110:5 111:18 116:8 119:3,5 124:8,17 133:23 138:7 141:18 142:19 145:24,24 145:25 152:22 156:25 157:1 163:8,11 170:12 194:8 225:24 254:4 260:12 263:2,3 268:6,9,13 268:17,19,21,23 269:3,4,6,7,18,24 <b>public</b> 1:20 200:15 337:4 338:18 <b>pull</b> 68:2 114:1,5 120:1 171:25 172:21 186:10 259:17,20 263:11 310:3 327:23 <b>pulled</b> 67:25 143:13 153:10 188:8 328:15
--	---	--	--

[puzzles - recall]

<b>puzzles</b> 245:9	243:18 244:1	<b>quoted</b> 107:9	325:11
<b>pyrantel</b> 206:5,9	248:2,3,7,23 252:6	<b>quotes</b> 104:24	<b>reanswer</b> 62:14
<b>q</b>	254:6 257:12,25	<b>r</b>	<b>reasked</b> 61:6
<b>quaker</b> 277:16	258:23 260:13,14	<b>r</b> 206:8,9,10	<b>reason</b> 26:20 39:5
<b>qualified</b> 337:6	261:12 262:10	<b>rabies</b> 66:11	67:12 86:5 102:4
<b>quantity</b> 281:7	268:15,21,25	201:16,17,20	106:22 111:21
285:23 286:2	269:2,6,18 274:4	205:15	154:14 175:3
<b>quarantine</b> 139:14	275:2 276:12	<b>radio</b> 249:17	177:15 193:4
<b>quarantined</b>	279:13 287:20	<b>rags</b> 253:14	246:15 268:6
138:24 139:15	289:6 290:12,24	<b>raise</b> 45:8	269:23 292:22
146:23	292:10,14 293:23	<b>raised</b> 99:16	294:16 295:24
<b>question</b> 8:11 14:1	294:20 295:2	<b>range</b> 255:5,11	296:1 320:4
14:5,7,11 15:18	296:8,18,19,23	256:8	<b>reasons</b> 128:15
17:1 21:18 23:16	298:9 299:7,17	<b>rascal</b> 92:24,25	<b>reassert</b> 62:16
29:24 31:22,24	312:25 318:19	93:6,8	<b>recall</b> 18:9 20:19
34:3 38:4 48:20	321:17,22,23,24	<b>rate</b> 49:7	22:21 26:18 28:13
49:6 55:12 57:15	322:1 323:20	<b>rays</b> 127:2 153:1	28:18 31:12 34:10
58:2,3,21 59:7,25	325:8 330:12	<b>react</b> 226:19	34:19 42:18 45:1
60:14,16,17 61:7	<b>questions</b> 5:24	<b>reaction</b> 230:15,16	47:11 69:5 73:15
62:14 65:8,20	15:13 27:24 46:22	232:16,18,20	73:19 81:7 93:15
70:15 72:4,15	59:17,17 86:24	<b>reactions</b> 229:24	99:8 101:2,3,8,12
73:6,25 74:1,2,4,7	200:5,7 251:24	230:1,6,12	101:18,23 103:1,7
74:9,10 80:25	290:13 329:16,19	<b>read</b> 17:15 31:8	103:11 107:12
83:4 87:8,14,14,15	331:17 338:1,4	61:12 185:22	112:17,23,24,25
87:16,18,18 88:7	<b>quick</b> 193:19	186:22 189:2	113:3,6,21 114:5,7
88:17,19,21 95:14	<b>quicker</b> 176:25	198:8 207:12	114:10,15,19
118:1 121:9	<b>quickest</b> 176:21	231:18 240:20	116:7 131:14
122:12 130:9	<b>quit</b> 8:4	<b>reading</b> 257:8	134:22 135:3
134:9,12 140:13	<b>quite</b> 40:9 181:24	<b>ready</b> 24:19	137:14 140:11
144:16 145:6	230:2 239:19	152:24 329:2	141:3,8,20 145:14
155:12 163:13,14	246:1	<b>real</b> 193:19 228:9	154:11 156:19
178:20 183:13	<b>quits</b> 171:20	262:9 334:10	157:20 158:3
184:2 186:17,20	<b>quote</b> 29:5,8 31:5	<b>realize</b> 180:5	196:14 200:20
191:4 199:16	32:12,17 38:23,24	246:17	201:13 202:7
200:8 201:1,9	129:12,13 136:17	<b>really</b> 12:23 102:9	203:4 206:23,24
212:24 214:22	136:18 148:10,11	105:14 120:15	207:10 210:23
215:2 220:8	198:24 201:7	128:14 181:18	211:3 254:10
224:21 225:1	210:25,25 211:8	224:3 236:17,19	268:15,17 274:19
226:17 230:10	214:10 235:15,16	259:19 264:25	291:8 300:11
233:22 234:3,24	244:19,20 247:3,4	287:3 293:17,18	323:17 328:4,7,9
238:1,21 243:17	256:15,18 302:2,5	308:15 313:5	328:18,20

[receipts - remember]

<b>receipts</b> 209:5,9 310:8,9 317:16	193:23 194:9 196:2,4,7 208:5,8	<b>recycling</b> 165:18 <b>reeg</b> 26:23 28:14 28:18 29:4,11,24	<b>regular</b> 81:6,9 198:25
<b>receive</b> 11:10,12 11:16 18:5 40:22 51:12 61:21 66:23 77:10 123:9 217:18 240:2 242:3	226:2 254:23 255:2 256:24 257:15 313:10 328:25 330:5 335:15,17	<b>regulation</b> 258:11 <b>regulations</b> 144:9 144:17 145:6,7 235:13 244:17	<b>regulation</b> 258:11 <b>regulations</b> 144:9 144:17 145:6,7 235:13 244:17
<b>received</b> 14:1,11 20:20 22:8,22 29:4 34:3 50:7 51:15 62:1 65:9 65:21,24 66:2 70:17 72:1 76:2 91:20 123:10 169:2 173:11 194:14 294:18 296:2,24 329:14 333:19 334:1	<b>recorded</b> 4:11 <b>recording</b> 4:8 <b>recordkeeping</b> 21:25	<b>refer</b> 7:13 18:1 45:13 130:13 331:3	<b>relate</b> 173:12 <b>related</b> 5:2 338:10 <b>relating</b> 10:24 11:12,14,16 173:14,23
<b>receives</b> 285:5 <b>receiving</b> 20:20 41:6 44:21	<b>records</b> 10:24 11:1 11:5 44:9 46:6 47:18,20,22 48:9 63:23 68:3 94:9 114:1,5 115:19 118:23 119:13,20 120:1 122:2,8,9,13 122:18,20 123:2,8	<b>reference</b> 201:7 <b>referenced</b> 333:16 <b>referred</b> 8:14 24:6 45:12 156:17 270:24	<b>relation</b> 56:7 138:17 146:9 <b>relationship</b> 56:8 56:11 230:22
<b>recess</b> 80:13 163:24 196:5 254:25	123:9,13,18 132:23 133:10 137:4,13 142:4 143:4 152:5,6 154:9 156:12 157:10,12 160:19	<b>referring</b> 11:10 59:21 76:13 83:14 153:17 175:10 185:25 289:25	<b>relationships</b> 228:24
<b>recital</b> 202:15 <b>recognize</b> 187:7 <b>recollection</b> 15:24 16:5 47:24 114:6 115:19 133:12 161:4 203:9,12 244:7,11	160:24 162:6 164:10,16,25 172:7 177:21 178:1,3,7 181:3,8 181:13,16,18,21 193:25 209:6,11 210:9,13 227:13 245:23,25 246:9	<b>reflect</b> 119:24 <b>reflected</b> 137:13 <b>refrain</b> 213:12 <b>refresh</b> 15:24 47:23	<b>relative</b> 257:21 258:4
<b>recommended</b> 87:10,25 199:5 203:19	317:13,15,25 329:23 330:6,18	<b>refreshed</b> 16:5 <b>refrigerator</b> 90:24 91:10,13 231:4,5,6 304:24 310:24	<b>relax</b> 93:11 <b>relevance</b> 48:19 <b>relevant</b> 30:25 49:3
<b>recopy</b> 195:6	330:21 331:17	<b>refuse</b> 298:10	<b>relieve</b> 38:23 39:6
<b>record</b> 4:2,10 5:5 15:5 62:10,12,15 75:11 80:11,15 101:25 163:20,22 164:1 193:15,19	334:16 335:5 <b>recurred</b> 328:8 <b>recurrent</b> 328:5 <b>recycled</b> 165:19 165:23	<b>refused</b> 108:1 298:20	<b>relocate</b> 60:23 <b>relocated</b> 60:9 61:17
		<b>regard</b> 200:13 201:13 203:1 249:14	<b>remain</b> 100:20 <b>remains</b> 162:12,16 162:20 163:17
		<b>regarding</b> 14:4 32:13 74:8 104:22 148:9 200:2,10,21 331:10	<b>remarks</b> 338:2 <b>remember</b> 48:7,16 49:13 87:21 94:12 101:4,5,20 102:24 102:25 108:7
		<b>regardless</b> 52:2 <b>registered</b> 197:1 <b>registrant</b> 186:2 199:3	110:18 114:2 125:19 133:5 135:2 156:10 157:16 158:7

[remember - right]

164:7 165:24 166:22 202:13 206:10 208:4 214:22 230:17 232:22 243:20 249:24 260:2 273:21 274:3,11 275:7,20,21 280:20 281:5 282:2 283:15 312:1 317:11 319:4 326:23 <b>remind</b> 80:18 164:4 <b>remove</b> 227:3 <b>removed</b> 34:8,9 119:5 <b>renewal</b> 174:18,24 175:8 <b>repair</b> 54:3 <b>repaired</b> 53:16 <b>repeat</b> 57:15 82:7 88:22 201:9 <b>repeated</b> 328:10 328:21 <b>repeatedly</b> 190:3,6 331:4 <b>rephrase</b> 201:10 <b>replace</b> 94:16,18 95:11,16 <b>replaced</b> 165:7 <b>replenish</b> 49:21 <b>reply</b> 5:21 <b>report</b> 152:2 174:19,25 181:10 301:17 324:5 <b>reported</b> 157:13 337:22 <b>reporter</b> 4:24 5:15 156:3	<b>represent</b> 29:6 43:9,12 46:9 63:22 <b>representation</b> 295:23 <b>representative</b> 212:21 291:19 293:2 300:1 301:23 302:19 <b>representatives</b> 171:2,11 288:25 289:8,19 298:21 <b>represented</b> 17:13 43:4 72:16 294:15 295:7 <b>representing</b> 29:10 42:19 <b>reproductive</b> 134:25 <b>reputable</b> 60:10 60:24 <b>request</b> 123:5,25 148:17 162:16,20 164:20 168:21 177:1 213:12,21 <b>requested</b> 14:2,12 28:20 29:13 30:9 31:14,23 34:4 37:17 38:18 42:19 85:20 123:14,24 129:5 164:9,16,17 165:1 172:8 176:20 184:13,16 195:13 329:25 334:15 <b>requesting</b> 28:15 <b>require</b> 97:15 144:10,17,24 202:14 234:4,17 235:13 238:3,5 244:18 246:22	247:2 256:13 258:9 <b>required</b> 21:21 22:1 145:8 155:18 167:18 169:7 174:22 177:25 198:16 199:20,25 200:19 204:10 255:6 <b>requirement</b> 257:1 <b>requirements</b> 196:20 274:6 <b>requires</b> 164:6 196:25 <b>requiring</b> 135:1 <b>research</b> 76:10 <b>reserve</b> 330:2 335:12 <b>reserves</b> 54:8 <b>reserving</b> 335:11 <b>resigned</b> 28:6 <b>resigning</b> 28:1 <b>resources</b> 100:18 <b>respect</b> 17:2 29:23 32:21 33:3 145:8 178:4 204:22 213:3 227:10 230:5,11 239:7 247:16,25 248:11 248:24 <b>respects</b> 338:3 <b>respond</b> 271:13 <b>responded</b> 271:14 <b>response</b> 29:15 102:25 105:13 326:23 <b>responsibilities</b> 95:5,7 <b>responsibility</b> 89:5 136:20,24	<b>responsive</b> 168:20 172:7 <b>rest</b> 78:13,15,18 112:9 214:18 329:10 <b>restroom</b> 94:11 <b>result</b> 58:25 60:3 <b>results</b> 69:5,17,23 69:25 94:7 <b>resume</b> 335:6 <b>retain</b> 191:18 192:1 198:12 <b>retained</b> 191:1,5 <b>retired</b> 6:19,20 18:11 20:23 <b>returns</b> 50:25 <b>reveal</b> 14:1,11 34:3 296:23 <b>reveals</b> 14:3 <b>review</b> 106:2 107:7 171:6,8,9,16 186:12,14,17,21 187:1,23 188:5 198:22 199:10 329:15 330:4 <b>reviewed</b> 16:22 171:13 172:20,24 186:4,6,24 187:8 187:13,19 189:5 333:19,21 <b>reviewing</b> 172:18 187:18 <b>reviews</b> 198:25 <b>revived</b> 119:6 <b>rid</b> 37:11 217:4 334:5 <b>ride</b> 271:11 <b>right</b> 6:13 9:15 10:12,19 21:18 22:19,21 23:3,21 23:24 27:7 34:9
---	--	---	--

[right - sat]

34:14 36:15,16,19	197:20 198:2,11	330:3 332:20	<b>routinely</b> 68:18
36:25 37:5,8,9,13	198:11,13,15,18	333:18 335:13	<b>rssclaw.com</b> 2:9
37:25 41:23 43:3	209:3 210:11,15	<b>rights</b> 335:11	<b>rubbing</b> 259:15
43:7,9 45:11,19	211:10,20 212:4,6	<b>ripe</b> 310:3	<b>rubik's</b> 268:2
46:3,16,25 48:7	213:22 214:12	<b>risk</b> 81:24 82:23	<b>rule</b> 117:18 148:18
54:16 61:12 64:13	215:10,14 216:6,8	83:7,17,19,21 98:2	<b>ruled</b> 85:17
64:14 65:8 67:6	216:12 217:15	100:19 111:19,23	<b>rules</b> 196:13
68:16 70:13 75:14	218:23 219:5	112:12 113:14,17	<b>run</b> 206:1
75:18 77:17,24	220:14,15 223:4	113:19 116:15,21	<b>runs</b> 53:1 208:21
78:5,11,13 79:2,23	223:22 225:16,25	117:19 124:3,7,9	<b>rupture</b> 129:12,14
79:25 81:20 84:5	225:25 232:2,9	124:18 125:23	<b>rynearson</b> 1:16
86:16,21 87:4	233:12 236:25	127:15,20,22	2:5 4:19 337:12
91:7 95:4 97:4,7	240:21 241:2	129:8 133:15,24	<b>s</b>
97:10 100:1 104:5	245:25 246:10	139:18 147:13,16	<b>s</b> 2:4 13:4 185:6
112:16,17 113:24	248:22 249:13	148:1 150:15	<b>sadly</b> 269:12
115:4 117:20,25	253:3,18 257:9	232:2 287:22,25	<b>safe</b> 258:7 271:7
118:5 119:10	261:4,25 263:13	<b>risking</b> 147:8	<b>sake</b> 240:15
120:2 121:9	264:17,17,22,25	<b>risks</b> 84:6	<b>sale</b> 217:18
123:17 126:4,6	264:25 268:21	<b>risky</b> 86:5 111:18	<b>salvageable</b> 165:7
130:8,23 132:1	269:13 270:17	<b>rnr</b> 1:19	165:21
133:24 134:3,19	271:5 272:14	<b>road</b> 6:3	<b>salve</b> 157:3
136:3 139:3,15,24	273:20 274:4	<b>rocephin</b> 138:4,5,8	<b>sanctuaries</b> 19:7
140:2,13,22 142:8	275:6,22 278:9	<b>rode</b> 116:10	22:16,17,20,25
142:19 145:6	279:15 280:25	<b>rodgers</b> 6:15	73:10 98:5,11,15
146:10 147:17	281:2,23 283:14	<b>role</b> 16:12	99:14 100:3,10
148:2,20,21 149:3	285:7 286:3 287:9	<b>roof</b> 53:16,23 54:2	103:4 222:6 224:9
150:22 151:16,22	288:2,14 290:22	54:3	<b>sanctuary</b> 18:12
152:6 153:24	291:13 292:15	<b>room</b> 145:2 147:7	19:4,11 20:23
161:19,22 166:8	293:1 299:3,22	179:21 227:20,22	22:11,24 23:7
166:25 168:17	300:7 301:2,4,7,10	227:24 306:22	37:17 38:15,18
170:14 171:12	301:12 302:4,16	<b>rope</b> 238:11	60:10,24 61:18
172:18,19,20,21	302:18 304:18	<b>rotate</b> 228:14	99:8 101:15
173:22 175:21	306:23 307:14,20	266:23 267:21	102:14,18 103:10
178:10 180:7	310:8,12 313:17	<b>rough</b> 275:11	104:20 105:5
183:10,13,23	314:3,7,11 315:22	<b>roughly</b> 9:19	210:24 217:23
184:16 185:8	316:1,11,25	223:20,21 305:12	220:2 222:23
186:8,16 189:14	317:12 318:12,13	305:12 312:9,15	334:6
189:23 190:20,25	320:7,9,20 321:4	<b>round</b> 255:18	<b>sandwiches</b> 277:6
191:2,11,12,22	321:13 322:6,8	<b>route</b> 15:12	<b>sarcastic</b> 313:6,9
192:19 193:9,18	323:21 324:6	<b>routine</b> 70:18	<b>sat</b> 194:6 239:2
195:16,24 197:18	326:13 327:16	75:20	248:19

[save - serious]

<b>save</b> 98:12 112:20 118:9 173:8 281:16,24 282:20	<b>school</b> 8:4,5 <b>scooper</b> 286:12 <b>scoops</b> 286:12 <b>score</b> 71:8,16 <b>scoring</b> 70:24 71:1 71:2,4,11,22	<b>sedated</b> 92:21,25 <b>see</b> 9:13 10:23 17:7 31:5,7,9 32:18 39:16 53:9 59:23 76:19 77:8 77:19,22 82:15	<b>seizures</b> 108:24 109:2,6 110:3,21 112:3,4 231:23 232:3,7
<b>saved</b> 127:9			<b>seldom</b> 11:14 176:5
<b>saw</b> 119:24 129:17 160:19,24 186:19 240:10,12,18 282:6 332:24	<b>scott</b> 18:6 19:9 22:9,22 23:6,10,19 26:17 29:13 30:9 31:3,14 32:11 37:17 38:18,24	<b>98:16</b> 106:1 107:13 110:3 119:11 129:6 130:11 133:3 135:25 143:8	<b>sell</b> 217:21 221:5 <b>send</b> 19:3 22:23 23:6,10 24:11,15 27:25 106:12 174:22 175:7 218:9 229:14 271:3,7,17 272:20 272:21 334:6
<b>sawyer</b> 30:23 179:5,24 227:1 231:21	<b>39:1,6,9</b> 168:6,25 290:21 291:1 293:2	<b>145:4</b> 147:6 154:9 158:12,15 159:15 159:25 165:21	<b>sending</b> 38:12 176:23 217:22
<b>saying</b> 33:12 34:22 55:18 65:16 74:20 75:22 91:19 107:9 112:5 130:2 145:21 155:21 179:5,7,8 187:9,10	<b>scott's</b> 20:21 23:17 23:23 24:2 28:14 28:19 288:25 289:18 291:19	<b>167:17</b> 171:14 184:25 185:3,7 196:23 197:5 198:22 199:8	<b>sends</b> 67:25 <b>sensitive</b> 4:4 <b>sent</b> 24:20 26:15 28:14 29:21,25 34:6,21 37:16
191:24 203:4 208:1 214:7 224:14 234:14 240:5,11,23 254:11 265:19 272:20 290:24 297:5 302:1,15 329:1 332:16 334:5,19	<b>scrape</b> 155:6 <b>scratch</b> 155:7 <b>seal</b> 338:12 <b>search</b> 164:24	<b>241:2</b> 261:20 267:13 290:8,19 290:23 304:24 306:20 309:3	41:4 56:18 77:2 106:14 169:1,24 173:2,2 182:17 210:5 218:7,10 235:18 236:8,9,13 238:6 245:6 328:5
<b>says</b> 5:20 104:24 108:17 185:4,22 185:25 186:24 190:13 224:2 241:6,24 266:12 274:21,22 286:7,8 320:23	<b>searched</b> 169:23 <b>season</b> 278:14,15 <b>second</b> 22:8 32:12 34:17 135:13	<b>seek</b> 33:23 57:5 109:5 115:5 118:7 134:1 137:18 142:22 149:5,8	<b>seeking</b> 114:20 136:24
<b>scared</b> 228:9	<b>secondary</b> 181:11	<b>187:7</b> 218:15,16	<b>sentence</b> 30:21 196:25
<b>schedule</b> 267:20 312:17 314:2,6,9 314:10	<b>secondly</b> 194:15 <b>seconds</b> 252:19 <b>secretive</b> 289:5	<b>188:24</b> 236:11 242:10,17 252:1	<b>separate</b> 120:14 131:24 138:12,14 279:8,9
<b>scheduled</b> 297:23	<b>section</b> 198:22	<b>281:17,18</b> 290:15 331:15	<b>separating</b> 279:11
<b>scheduling</b> 173:13	<b>sector</b> 217:25	<b>seizing</b> 109:3	<b>september</b> 26:12 157:13 318:5,7,11 318:17,23,24
<b>schnurbusch</b> 1:16 2:5 4:20 337:13	<b>security</b> 50:16	<b>seizure</b> 231:20	<b>319:1</b> <b>serious</b> 56:14 96:1 230:2 232:20

[seriously - somebody]

<b>seriously</b> 116:17 141:4	<b>show</b> 48:9 77:5 164:15 209:6	<b>241:16</b> 297:4,5 <b>signature</b> 75:14 76:18,23 77:3,4,12 78:23,24 79:11,21	<b>280:1</b> 286:4 <b>skin</b> 153:10,12
<b>services</b> 43:18,22 44:1 55:2,4 56:20 56:22	210:10,13 282:1 317:13 328:12,22	<b>showed</b> 42:10,15 42:16 68:20 69:25 118:10 126:15	<b>sleep</b> 303:11 <b>sleeve</b> 186:10 <b>slightly</b> 92:21 <b>slots</b> 268:3
<b>set</b> 48:4,4,6 57:1 82:18 126:25 196:20 255:17 312:17 314:6 320:23 322:24 337:25	128:9 135:16 149:10,11 153:1 240:8 282:11,12 282:13 292:21,25 293:9	185:20,23 189:21 191:20,23 199:14 240:22,24,24,25 241:1 242:11 338:6,17	<b>slow</b> 176:25 <b>slut</b> 334:9 <b>small</b> 93:9 227:21 291:6 325:6
<b>setting</b> 234:16,17	<b>shower</b> 303:5	<b>signed</b> 75:24,25 76:19 77:14 79:16 79:19,25 185:18	<b>smaller</b> 141:17 228:7
<b>settle</b> 103:22 294:5 294:9,25 295:9,17 296:14 297:6,13	<b>showing</b> 209:5 242:2	185:21 186:9,11 188:9 189:16 190:12 240:20,23	<b>smart</b> 11:9 250:12 <b>smear</b> 326:10
<b>seven</b> 53:6,7 329:1	<b>shown</b> 14:25 15:20 15:23 16:4 242:17 337:21	<b>significant</b> 295:22 <b>signing</b> 187:17 <b>signs</b> 68:20 75:19 118:11 149:10,11	<b>smudges</b> 242:2 <b>snack</b> 7:23 94:12 <b>sneeze</b> 63:14 <b>snuck</b> 289:2,3
<b>severe</b> 229:24 230:5	<b>shows</b> 47:20 77:13	150:3 328:12,22	<b>social</b> 50:16 145:3 147:4 246:24
<b>severely</b> 135:13 136:14,25	<b>shut</b> 299:5	<b>similar</b> 42:4 153:25	247:12,17,22,25
<b>sheena</b> 112:16,19 113:1,15,20,25 114:8,12 144:3	<b>sick</b> 16:21 65:15 65:18 81:16 82:3 82:10 83:2 91:17	<b>simply</b> 331:8 <b>single</b> 186:14	248:11,25 249:4
<b>sheena's</b> 113:8	95:23 97:23	<b>sit</b> 250:14 321:21 324:13	249:10,11,14 250:24 252:11
<b>sheet</b> 3:15	117:13 118:11	<b>sits</b> 324:25	324:14
<b>sheila</b> 13:10	119:23 126:15	<b>sitting</b> 113:7,12	<b>socialization</b> 234:5
<b>shelf</b> 310:4	128:10,14,17	162:1 245:18	<b>sold</b> 50:22,23
<b>shifted</b> 138:22	129:2 147:22	248:9 256:21	217:14 220:20
<b>shipped</b> 67:17	149:11 158:20	287:3,8 302:15	221:4
<b>shirt</b> 226:15	318:24 320:13,14	311:9,16 317:2	<b>solicit</b> 55:6,7
<b>shit</b> 207:21 211:15 213:8,16 334:11	320:16,19 322:17 322:20,21,22	<b>situation</b> 26:24	<b>soliciting</b> 49:23
<b>shoot</b> 288:9	<b>sickness</b> 81:24	57:8,18 95:8	50:3
<b>shop</b> 6:18	<b>side</b> 138:23 162:1 306:16	98:18	<b>solutions</b> 4:23,25
<b>short</b> 266:1 275:24	<b>sidetracked</b>	<b>six</b> 9:16,17,20	<b>solve</b> 263:23
<b>shorthand</b> 337:23	327:13	119:12 135:6	<b>somebody</b> 58:14
<b>shortly</b> 109:4 132:12 165:25	<b>sign</b> 75:18,24	153:7 224:3,4	72:5 78:23 89:11
<b>shot</b> 133:1	76:24 77:16 79:7	303:4 321:11	91:17 117:12
<b>shots</b> 97:15,18	101:21 102:1,2 187:15 241:12,13	<b>size</b> 143:18 175:12 207:13,14 221:21	125:7 130:17 136:17 212:25
			216:16 218:7 224:1 241:14

[somebody - stay]

· 248:6 271:10 292:24 293:9,10 299:5,24 301:15 302:9 305:15 308:2,25 <b>somebody's</b> 171:24 <b>someplace</b> 211:22 222:19 <b>son</b> 292:2 <b>sons</b> 13:7 <b>soon</b> 109:5 127:1 192:25 <b>sore</b> 155:17 323:11 <b>sorry</b> 13:1 21:6 47:4 52:16 58:10 59:11 62:7 78:8 84:16,17 125:5 126:23 130:9 134:5 146:11,15 147:12 150:2 176:1 205:22 208:23 216:5 244:10 251:16,21 256:23 259:4 269:15 274:15 313:5 318:2,6 <b>sort</b> 58:19 119:16 <b>sorting</b> 180:6 <b>sought</b> 33:10 109:8 112:18 115:12,15 126:8 132:7,12 150:9 151:21 155:1 156:7 256:1 257:20,25 <b>sound</b> 210:15 337:17 <b>sounds</b> 210:11 335:10	<b>source</b> 50:22 92:2 266:17 274:12 275:3 277:3,6 281:1 <b>sources</b> 50:6,14,20 51:9,12 <b>space</b> 146:16 <b>spaghetti</b> 282:14 <b>speak</b> 12:11,13 14:20 16:15 261:2 <b>speaking</b> 13:13 <b>special</b> 103:8 104:19 105:4 138:16 144:10,17 235:11,12 328:11 328:22 <b>specialist</b> 4:23 <b>specialized</b> 102:19 <b>species</b> 63:21 64:2 256:17 <b>specific</b> 199:8 238:21 239:5 <b>specifically</b> 28:15 28:25 35:20 50:3 73:12 84:14 184:14 201:20 212:24 239:4 247:2,24 325:2 326:1,23 <b>specifics</b> 198:21 <b>specify</b> 235:25 <b>spectrum</b> 38:9 273:14 <b>speculate</b> 326:22 <b>speculating</b> 28:10 68:14 281:6,10 <b>speculation</b> 22:13 23:14 57:14 58:17 59:2 79:18 83:24 85:22 107:3 112:22 127:18	128:4 133:18 139:21 233:7,16 233:25 257:6 258:13 <b>spell</b> 13:3 206:6,10 <b>spelled</b> 185:5 <b>spend</b> 307:4 312:5 313:20 317:6,18 317:21 318:20,22 318:25 <b>spending</b> 322:25 <b>spent</b> 50:10 52:6 <b>spies</b> 289:5 <b>spit</b> 226:16 <b>spoke</b> 212:20 271:19 <b>spoken</b> 79:2 <b>spoon</b> 89:18 145:20,24 <b>spot</b> 154:25 238:10 261:15,21 261:23,24,25 302:5 305:15,16 305:25 306:3,7,12 306:15,16,19,21 306:24 307:5 310:13 324:24 <b>spray</b> 157:1 <b>spraying</b> 263:1 327:11 <b>squabble</b> 259:21 <b>squirt</b> 249:17 304:8,9 <b>squirting</b> 305:10 ss 337:2 <b>st</b> 1:17 2:7,15 4:21 281:20 337:3,14 338:12 <b>stack</b> 237:14 <b>staff</b> 39:22 40:1 219:12,16 220:4,9	220:12,16 <b>standard</b> 89:9 <b>standards</b> 72:11 72:20 73:3,8 89:10 244:20 245:4,20 <b>start</b> 23:17 153:3 153:11 279:11 303:1 305:15,16 307:4 <b>started</b> 109:3 153:12 156:6 <b>starts</b> 121:4 <b>state</b> 1:18 5:4,6 6:2,3 31:2 148:10 337:1,5,14 338:19 <b>stated</b> 37:7 210:23 <b>statement</b> 61:10 72:16,22,24 100:16 104:24 105:18,21,22 106:1,2,5,10,13,15 106:21,23,25 107:5,6,9,12 169:25 170:5,8,14 174:1 257:8 294:21 295:18 296:15 302:2 333:11,12,14,16 334:18 <b>statements</b> 60:18 60:19 295:5 <b>states</b> 1:1 4:16 30:21 32:12 76:18 196:25 198:24 337:9 <b>stating</b> 29:5 <b>status</b> 145:3 192:18 272:2 <b>stay</b> 97:9 179:19 179:19 216:20
--	--	--	--

[stay - sure]

272:17	<b>stroke</b> 124:5,7,9 124:15,18,23 125:12,23 149:25	<b>suffer</b> 131:8 <b>suffered</b> 135:14 162:3	<b>supplements</b> 282:20,21,25 283:1,5,5,8
<b>stayed</b> 179:13	<b>strong</b> 128:12 269:8	<b>suffering</b> 85:18 124:9,18	<b>supplied</b> 152:9 315:9
<b>staying</b> 217:10	<b>stronger</b> 138:7 144:25	<b>sufficient</b> 40:17 57:9,19,22 60:11	<b>supplies</b> 173:14 205:24
<b>step</b> 82:22 83:6 211:17	<b>stuff</b> 54:5 120:10 120:15 121:7	60:25 265:15 266:14 281:7,8	<b>support</b> 59:4
<b>stepdaughter</b> 13:8	148:19 162:1	285:23 286:2,25	<b>supposed</b> 33:7 59:19 256:19 265:11 279:8
<b>stepped</b> 230:9	171:25 172:9,10	287:5,9	287:17
<b>stick</b> 223:18 229:4	175:17,24 176:4	<b>sugar</b> 304:11,12 304:13,16,17	<b>supposedly</b> 76:19
<b>sticking</b> 225:8	195:10,12 204:23	<b>suggest</b> 133:10 201:14 325:21	165:12 229:23 241:7 242:3 334:1
<b>stimulant</b> 133:3	237:15 238:19	<b>suggested</b> 200:18 201:5,12 296:8	334:2
<b>stimulation</b>	239:20 242:24	326:9	<b>sure</b> 7:21 18:24 23:15 25:19 26:22
249:16 323:4	245:12 246:16	<b>suggestion</b> 274:25	28:7,8,17 32:25
<b>stomach</b> 133:11	282:11 310:3,7	<b>suggestions</b>	33:8 34:11 40:9
134:7,14 141:23	312:8,24 335:7	235:22 327:5,6,8	43:6 56:4 66:20
141:24 142:1,5	<b>stuffed</b> 308:6	<b>suit</b> 18:6 26:25	66:21 80:7 82:20
160:1,2	<b>stupid</b> 276:13	338:9	86:9 88:5 90:9
<b>stool</b> 68:2,22 69:12	323:5	<b>suite</b> 1:17 2:6	95:7,8 98:3
69:14 133:4	<b>subject</b> 12:17	337:13	107:20 110:9
<b>stop</b> 224:16,17,18	16:19 173:4	<b>summarizing</b>	111:14,15 113:16
263:16 304:3	<b>submitted</b> 68:23	328:5	113:18 114:21
<b>stopped</b> 131:12	69:12,14 174:17	<b>summary</b> 63:23	122:22 138:2,15
327:22,22	<b>subordinate</b>	<b>summertime</b>	140:19,25 142:2
<b>stopping</b> 53:8	288:16	303:13	143:5 145:21
<b>store</b> 205:23	<b>subpoena</b> 123:15	<b>sun</b> 267:4	148:14 161:13
<b>stored</b> 182:9	<b>subscribe</b> 230:18	<b>sunbelt</b> 277:16	164:7 167:11
304:23	<b>subscribed</b> 230:18	<b>sunshine</b> 266:19	168:1,2,22 171:4,5
<b>stores</b> 91:14	<b>subsequent</b> 137:9	266:21	173:3 187:3,4
<b>stories</b> 104:12	<b>subsequently</b>	<b>superficial</b> 155:4	189:9 191:24
<b>story</b> 104:15	331:11	<b>supermarket</b>	193:20 195:6
<b>strangers</b> 225:19	<b>substantial</b> 83:17	309:21	199:13 202:9
225:24 288:3,3	83:21	<b>supplement</b>	203:20 222:2
<b>stress</b> 42:5 287:23	<b>sudden</b> 131:12	194:12 195:15	224:9 228:25
287:25 288:1,4	158:11 159:24	309:18	229:21 232:4,13
324:11	<b>sue</b> 210:5		232:22 233:17
<b>stressed</b> 162:8	<b>suess</b> 1:16 2:5 4:20		
193:11	337:12		
<b>stressful</b> 193:7			
325:13			
<b>strictly</b> 46:4			
<b>strike</b> 165:5			

[sure - tell]

	<b>t</b>		
234:2 236:20		168:11 186:22	283:4,4 289:15,20
240:1,13,14 243:2	<b>t</b>	212:25 216:21	289:23 328:14
243:21 244:15	92:6 206:10	221:8,10,12,14,17	330:19 333:15
245:16 253:12	<b>table</b>	221:20,22,24	<b>talks</b> 253:11
257:19,24 261:8	324:24	222:17 243:24	<b>tammy</b> 9:9 69:16
261:14,17 265:9	<b>take</b>	283:13 304:3	70:9,10 131:2
265:17 273:2	4:9 7:7,19	324:21 335:13	224:5,11,19
275:10 277:8	13:24 19:5,9	<b>talked</b>	234:20,25 247:17
278:2 280:4	35:19,24 36:2,5,7	12:10 13:10	247:19 260:22
283:12 285:7,14	36:10,14,17 38:8	17:17 18:18 25:7	262:12 317:19,20
285:19,25 287:7	38:10 40:12 44:2	25:18,23,25 27:11	317:22,23,24
292:17 297:2,19	49:6 63:25 66:4	27:19,21 28:5	318:1,23,24
304:7,22 308:15	71:16 73:17 80:6	35:10,12,14,17	319:12 323:15
308:16 312:1	87:6,8,23 89:4	65:7 102:9 112:8	324:3 325:15
328:2	95:6 96:7,21 97:7	125:17 126:24	326:15
<b>surge</b> 165:4	109:8 127:2 130:7	172:17 173:20	<b>tammy's</b> 235:7
<b>surgery</b> 114:16	130:10 131:25	177:7 192:11	267:14 325:2
115:10 116:1	141:11 145:23	199:23 212:23	326:1
134:21 135:1,7,12	151:18 159:11,17	216:13 218:14	<b>tax</b> 50:25 52:18
135:15 158:6	177:18 178:15,18	230:17 232:8	54:11,13
161:3,12,25	178:21 180:11	238:8,15,19 240:7	<b>taxes</b> 52:8
<b>surgical</b> 119:4	193:14,20 194:6	242:25 244:2	<b>tb</b> 66:8
<b>surprised</b> 242:12	195:20,20,25	271:23,24 272:1	<b>telephone</b> 165:5
242:13	196:1,1 211:17,19	272:13,16 281:11	<b>tell</b> 9:3 16:3,7
<b>surviving</b> 65:1	214:5 217:2 218:1	281:20,21 325:17	28:11 31:24 46:3
<b>suspend</b> 330:2	219:24 229:2	330:8 333:8	47:9,11 49:9
<b>suspending</b> 335:9	250:14 252:3,8	<b>talking</b>	58:11 71:9 72:24
<b>swear</b> 5:15 191:15	254:19 265:20	6:11 8:9,15	77:16 82:6 93:20
<b>sweetened</b> 304:20	269:7,8,25 270:15	12:15 22:15 25:19	94:1 100:17 102:7
<b>swings</b> 314:23	271:11,11 272:9	27:5 34:11 62:16	102:11 126:21
315:1,4,5	272:14 282:2,16	62:21 65:4 66:9	129:19 134:15
<b>sworn</b> 5:18 186:5	302:24 303:5	66:10 67:7,7	152:10 163:2,14
242:20 337:19	304:2 306:7,13	69:11 71:6 74:25	164:6 168:2
<b>sylvania</b> 12:25	307:9 329:17	75:15 104:18,22	180:22,23 189:14
13:2	<b>taken</b>	105:2 124:16	190:23 193:8,10
<b>symptoms</b> 114:22	1:15 4:12	126:13 187:13	196:10 200:1
114:23 115:16,17	19:25 63:23 70:3	202:19 223:10,17	202:8 215:23
128:6,9,13 129:2,7	184:10 200:15	224:1,7 228:17,18	237:6 242:5
129:14 130:12	291:4 329:19	228:19 237:21	243:13 245:21
<b>syringe</b> 145:20,23	<b>takes</b>	239:1 241:3	248:10,18 255:5
	219:3 221:11	249:10 251:19	255:17 257:16
	251:2,4,7,7 306:14	268:8 269:16	
	307:18 314:14	272:6 277:25	
	<b>talk</b>		
	12:23 17:19		
	22:14 35:20 67:23		

[tell - thinking]

259:17 272:19,23 274:16 275:19 278:4 280:6 281:4 284:24,24 285:21 286:11 289:24 290:3,5,7 292:9,15 293:22 297:9 313:12 322:11 334:5 <b>telling</b> 101:18 128:8 136:8 197:24 198:9 277:2 323:14 324:9 325:23 332:23 334:8	337:19 <b>testifying</b> 76:23 <b>testimony</b> 16:22 27:17 38:2 59:3 60:14 62:6 72:15 73:1,6 74:1,8 87:17 186:5 242:20 333:24,25 335:4,17 337:22 337:25 <b>testing</b> 68:23 <b>tests</b> 66:8,10 316:6 <b>tetanus</b> 66:11 <b>text</b> 106:14,17 174:2 334:20 <b>texted</b> 174:1 <b>texts</b> 173:11,11,17 334:19 <b>thank</b> 5:14 64:6 <b>theirs</b> 42:3 297:24 298:1 308:7 <b>therapy</b> 237:25 245:11 249:17 <b>thereto</b> 338:3 <b>thermostat</b> 255:17 <b>thicker</b> 261:11 <b>thin</b> 84:9 261:15 <b>thing</b> 33:24 111:17 111:25 112:2,9 113:22,25 160:12 161:24 162:2 185:22 188:11 193:21,21 213:18 213:18 224:21 232:24 234:7 240:20 243:23 269:16 271:21 274:21 285:12 303:8 311:19 332:3,23	<b>things</b> 42:3 47:18 50:23 52:2,4 115:24 119:18 124:14 130:14 165:3,8 183:21 194:21 195:7,14 203:12 204:25 207:22 214:19 217:7,12 224:8 235:11,19 236:8 238:6,8,12,15 245:5 246:24 274:9 281:13,15 282:14 291:11 308:9 309:2 314:6 325:19,21 326:4 329:8 330:16 331:4,11,13 332:13 334:19,25 335:4 <b>think</b> 14:13 18:23 19:8 26:7,10,10,11 26:24,25 27:12,23 32:14 38:25 43:1 48:20 49:2,4,5 58:5,24 61:9 66:18 68:12 70:8 71:15,16 73:9 74:10 77:1,5 80:9 83:2 88:9 91:5 94:10 98:8 102:9 102:15 105:20 106:7,14 107:21 108:5 116:7,8,17 116:22,24 117:23 117:25 120:5 121:24 122:9,10 122:19 125:7 133:8 134:6 138:5 140:24,24 141:1 142:4 143:17	144:12 150:24 152:22,22 153:7 161:10 163:11 164:23 167:12 171:3 173:18 174:3,13 175:5 177:13 182:20 188:2 189:11 192:7,7 193:5,6 199:23 200:17 201:4,11,15 204:4 204:7,9 206:1,8 208:22 213:16,19 215:21 220:6,6 223:21 230:15,24 233:9,10 234:3,5,7 234:15 235:17 236:7 241:11,15 241:22 244:2 245:7 246:2 250:11 258:21 262:5,8 264:2 266:6 267:13 269:12 271:14,18 274:22 276:21,24 280:1,12 282:4 283:6,10,25 284:21 285:12 286:6,7 287:16 288:13,14 290:9 292:11 294:11,17 295:22 296:9 301:24,25 309:2 319:2,18,18 324:22,22 325:4,9 326:9 328:1 329:8 329:11,12 330:6 331:6,22 <b>thinking</b> 50:18 110:9 135:6 168:17 193:10
---	--	---	---

**[thinking - told]**

202:8,9 213:17 242:6,8 279:8 286:8 319:3 <b>thinks</b> 190:24 195:3 <b>thinner</b> 261:10,24 261:25 <b>third</b> 190:22 <b>thought</b> 14:4 35:12 91:3 158:9 165:2 178:11 181:9 200:22 225:22 226:22,22 228:17 241:1 289:15,20,23 313:15 <b>thoughts</b> 32:13 <b>thousand</b> 185:15 <b>thousands</b> 182:8 <b>threatened</b> 301:22 302:18 <b>threatening</b> 334:1 <b>threats</b> 334:20,21 <b>three</b> 9:15 10:11 15:13 16:17,20 19:11 24:19,22 43:17,24 46:18 50:7,15,21 51:1,5 132:9 151:15 160:18 161:20 164:1 174:17 175:4,8 179:14,16 184:23 206:6,12 209:15,20 227:25 232:23 237:14 252:20 254:23 266:23 329:4 <b>throw</b> 154:11 194:3,4 <b>throwing</b> 226:16 312:24	<b>thrown</b> 310:6 <b>thunder</b> 288:6 <b>thursday</b> 177:7 <b>tickle</b> 223:5 224:14 234:9 <b>tickling</b> 223:17 309:2 <b>tim</b> 2:22 4:22 <b>time</b> 5:6 9:19 10:9 12:15 17:13 18:11 18:20 20:12,14 21:12,20 26:2,3 27:22 28:24 30:20 35:18 36:15 37:13 39:1,10 41:15 43:1 44:3 45:1 53:7 66:5 69:4 75:20 77:17,21 80:12,15 93:14 95:3 98:20 101:12 107:21 109:1,11 109:13,16,18 111:18 113:1 114:9 115:12 118:12 119:9 124:6 126:11 127:5,11 131:9,22 135:20,21 136:6,9 137:3 142:9,21,22 143:11 153:11 158:9,18,20 160:17,20 161:1,2 163:23 164:1 166:14,15,15 170:19,20 171:1 172:2,3,5,6,8 174:13 176:17 178:12,25 179:2 179:12,14,24 187:25 188:1,5 189:9 190:22	194:2 196:4,7 204:8,8 209:22,24 212:15,20 216:1 218:19,24 223:16 223:23,23 224:1 224:13 228:2 230:16 236:2 242:9 244:4,16 246:10 249:25 250:8,22,25 251:2 252:3,10,24,25 254:24 255:2 259:18,18 260:18 260:23 266:1,3,22 266:24 267:1,2 269:4 270:21 271:19 273:20 275:24,25 286:21 298:20 299:22 302:8 303:10 305:9,16 307:13 308:9,12 309:19 312:5,8,11 313:21 314:14 321:24 329:3,11 333:13 334:8 335:2,18 <b>timed</b> 306:9 41:13 66:7 67:24 68:1 81:13 81:14 91:16 115:22,24 128:13 131:1,2 132:9 145:22 147:2 227:24 228:1,7,12 228:13,15 232:19 248:19 263:18,19 277:7 296:1 304:9 307:16 308:3,25 334:3 <b>tiny</b> 291:7	<b>tires</b> 238:10 <b>titled</b> 76:9 103:21 <b>today</b> 11:24 12:5 12:12 113:7,12 120:18 121:13 124:15 177:6,11 181:23 194:13,23 195:5,15 245:18 248:9 253:2,6,7,8 256:21 267:17 287:3,8 308:16,18 308:19 310:19 311:9,16,19,21,22 314:17 318:15 329:14 331:21,23 332:4,21,24 <b>today's</b> 16:16 335:17 <b>toe</b> 288:16,20 323:11,11 <b>toennies</b> 1:19 4:25 337:4 <b>told</b> 17:2,5,9,12,13 17:14,15 19:20 27:23 39:4 77:20 79:1 81:4,8 83:1 101:17 108:3 115:16 123:4,17 126:25 156:25 189:8 191:9 197:23 198:3 200:22 201:22 206:12,15,17 232:19 249:13 263:15 264:4 270:14 271:6 272:13,18 281:19 283:2,10,15 284:22 291:15 292:15 293:16 294:4,8,24 295:3,7
---	--	---	--

[told - trying]

295:16,16,25 297:12 298:3,7 302:17 312:17 323:20 325:4,23 327:17 <b>tomorrow</b> 225:3 225:11 226:10 261:19 267:6,13 267:14,14 303:1 303:14 304:25 305:6 308:13 309:4,7 310:15,18 311:2,3,10,17 312:18 313:1,4,10 313:13 320:12 <b>tongue</b> 223:18,19 <b>toni</b> 137:16,19,20 139:19 140:1,15 140:20 <b>toni's</b> 140:16 <b>tonia</b> 11:25 12:5 12:18,21 44:4 47:12 90:16 94:25 97:16 172:12,16 173:1,22 174:7 220:19 253:7 292:12,13,19 <b>tonia's</b> 218:4 219:9 220:13 <b>tonka</b> 9:9 144:8 223:6,11,13,15,25 224:5,18 228:14 228:18 235:24 247:17,19 267:14 <b>tons</b> 182:10,11 184:4 <b>toothbrushes</b> 237:23 308:7,20 <b>top</b> 77:7,9 185:22 236:15 241:2,5 242:4 330:25	<b>tore</b> 315:8 <b>total</b> 26:23 147:2 210:1,10,14 277:19 <b>totally</b> 323:18 <b>touch</b> 228:2,5 302:16 <b>touched</b> 228:3 <b>touching</b> 229:3 239:13 <b>tour</b> 99:3 <b>town</b> 110:10 126:19,24 127:1 <b>toys</b> 245:11 308:6 309:3 <b>track</b> 44:10 182:10 183:19,21 183:25 <b>tract</b> 134:25 <b>trained</b> 90:12,14 90:17 <b>tranquilize</b> 111:19 129:9 <b>tranquilized</b> 116:6 119:3 141:14 <b>tranquilizer</b> 92:11 <b>transcribed</b> 337:23 <b>transcript</b> 61:13 337:22 338:4 <b>transfer</b> 24:6,7,23 26:1 36:13,24 38:7 39:11,15 40:21 42:2 <b>transferred</b> 22:9 23:25 24:4,11,13 34:13 35:1,6,9 36:19 37:2,13 38:14,22 39:5 40:16 41:19 100:9 101:14 102:14	116:11 216:8,11 226:21 227:15,19 <b>transmitted</b> 139:10 147:1 <b>transmitting</b> 82:23 83:7 <b>transport</b> 116:2 <b>transported</b> 116:5 <b>trash</b> 175:6,10,13 175:18 <b>tray</b> 131:20 <b>treat</b> 56:14 93:12 143:1 156:24 263:13 277:11 <b>treatable</b> 85:18 <b>treated</b> 67:25 85:19 93:10 110:8 110:13 113:10 114:3,22 115:16 115:17 118:21 122:2,8,14 127:9 132:14,18 135:4,9 137:21 138:9,11 141:21 146:3,4,7 149:23 153:6 155:5,6,8 156:22 157:2 160:9 204:7 <b>treating</b> 115:20 137:21 153:9,13 264:13 319:23 <b>treatment</b> 1:7 4:15 57:2 58:24 60:2 102:20 109:5,8 112:19 114:20,23 115:5,12,15 118:8 118:17,18 119:1 119:17,23 126:9 127:24 132:7,13 132:24 136:24 137:18 142:23 151:21 155:1,16	156:7,8 208:14,15 234:12 235:11 263:22 319:12 <b>treats</b> 138:16 237:22 306:18 308:2,3 <b>trial</b> 337:11 <b>tried</b> 85:6 268:6 268:23 269:4,23 270:21 300:19 <b>triple</b> 157:3 <b>trouble</b> 101:10 <b>true</b> 24:3 65:11 73:16 74:13 126:10 130:24 135:20 160:21 294:4,7,22,23 295:5,15,18 336:3 338:3 <b>truth</b> 5:19,19,20 164:6 191:16 337:19,19,20 <b>try</b> 26:25 40:15 45:8 71:24 72:5 81:5 85:5 110:3 110:11,15 111:22 114:24 117:22 118:1 133:21 138:1 139:23 140:9 142:3 192:9 192:17 225:5 226:23 260:9,14 263:24 267:1 268:19,21 269:3 269:18 270:13 300:14 322:13 326:3 327:2,14 <b>trying</b> 26:10,23 108:18 116:7 152:22 153:7 194:5 254:4
--	--	---	---

[trying - usda's]

268:17 292:17,20 294:5,9,25 295:8 295:17 296:14 300:1 313:7,13,16 325:11 327:10,10 327:11 <b>tub</b> 282:1 <b>tubs</b> 282:12 <b>tumor</b> 114:16,19 114:22 115:6,8,9 116:18,20 117:6,9 117:10,17 134:25 135:3 137:12,15 <b>tumors</b> 117:1 <b>tunnel</b> 227:23 <b>tunnels</b> 268:1 <b>turn</b> 4:6 303:9,14 303:25 <b>turned</b> 182:20 <b>tv</b> 165:6 <b>tv's</b> 249:16 <b>twice</b> 202:17,19,22 203:2 208:2 286:9 <b>two</b> 9:15 10:10 15:12 16:17,17,20 19:11 26:7 34:12 51:2 80:15 98:4 98:14 126:4,19,20 128:9 131:11 132:8 135:1 141:3 142:13 149:19 150:7 163:22 169:22 179:12,13 179:14,16 185:15 189:4 200:5 201:2 201:7 208:4 209:15 227:25 237:14 245:21 259:21 266:25 267:1,9 270:7 278:13 286:12	308:9 312:10 315:7 <b>type</b> 40:21 41:6 61:22 65:3 66:11 73:13,21 74:13 100:10 105:18 113:22 276:14 <b>types</b> 99:13 <b>typewriting</b> 337:24 <b>typical</b> 277:18 278:23 302:24 307:20 313:7,11 313:12,14 <b>typically</b> 178:18 178:19,21 225:16 286:24 302:25 306:13 313:19 <b>u</b> <b>u</b> 13:4 206:8,9 <b>uh</b> 11:3 24:24 35:17 51:6,20 52:24 80:19 91:23 108:14,19 122:17 123:19,21 130:21 132:20 139:8 145:15 154:1 160:4 164:12 170:12 179:17 198:23 201:25 203:10 205:3,7 218:17 231:10 253:1 283:18 284:4 292:4 300:10 302:14,23 303:18 304:14 306:4 307:6 309:23 315:12,17 320:2 <b>ultimately</b> 216:14	<b>unable</b> 35:24 36:2 36:5,7,10,14 58:23 59:5 60:1 <b>unaccredited</b> 22:10 23:11 <b>unaltered</b> 159:6,7 159:8,9,13,13,18 159:18 <b>unannounced</b> 289:4,9 <b>unaware</b> 192:6 <b>unclear</b> 88:18 <b>underfed</b> 285:25 <b>understand</b> 9:2 18:2 20:7 23:8 34:22 66:13,14 74:9 100:15,21 197:14 199:24 200:25 215:23 246:20 248:2,4,7,8 248:8,22 276:10 331:9,16 <b>understanding</b> 22:7 27:1 33:2,5,7 61:23 62:3 80:3 134:11 141:22 178:6 196:19 197:10,15 226:5 232:17 242:16 <b>understood</b> 23:5,9 37:15,18 38:12,19 38:20 39:7 <b>undertaken</b> 22:1 <b>underwear</b> 226:15 <b>underweight</b> 71:13 <b>undetermined</b> 337:9 <b>unedited</b> 170:14 <b>unfiltered</b> 266:20	<b>unit</b> 4:11 80:11,15 116:9 163:22 164:1 254:23 255:2 <b>united</b> 1:1 4:16 337:9 <b>unloading</b> 180:6 <b>unpredictable</b> 230:2 <b>unquote</b> 211:8 214:10 <b>unrelated</b> 51:24 <b>unsuccessful</b> 268:10 <b>unsure</b> 183:16 <b>untimely</b> 136:21 <b>update</b> 185:13,16 <b>updated</b> 121:23 <b>upgraded</b> 24:18 <b>upkeep</b> 43:18,22 51:24 <b>upset</b> 292:18 <b>urinating</b> 160:11 <b>urine</b> 251:7 306:11 <b>usda</b> 7:11,17 8:10 8:15,21 11:1,2,4 77:20 120:12 144:9,16 174:18 175:18,20 176:16 176:18 189:8,14 193:25 198:16,24 204:10 227:13 232:24 235:13 244:17 245:24 246:22 247:8 248:19 256:13 260:8 323:15 328:4,9,20 329:5 <b>usda's</b> 260:5 324:15
---	--	---	--

**[use - violence]**

<b>use</b> 156:25 168:14 170:19 171:1 192:15 204:8 206:4,12,15 207:11 213:9 231:11,14,17,19 300:1,19 301:7 304:14,16 320:23 327:2 <b>usually</b> 6:25 130:17 144:14 178:25 199:13 208:3 250:23 278:5,6,14 286:14 303:4,5,8,13 306:20 307:22 312:5,11 313:21 <b>utilities</b> 52:1	<b>value</b> 281:8 287:1 287:6,7,9 <b>van</b> 116:3,10,11 141:18 <b>varies</b> 148:14 305:18 307:24 312:16 320:15 <b>variety</b> 126:1 207:21 280:23 281:13,15 329:22 <b>various</b> 41:12 46:10,23,25 47:8 47:15 53:25 199:8 274:8 294:15 <b>vary</b> 265:23 <b>vegan</b> 259:3,5,6 <b>vegetables</b> 265:11 277:25 286:14 <b>vegetarian</b> 259:5,6 259:7 <b>vehicle</b> 50:23 53:15 <b>verbal</b> 300:3,4,4 300:20,20,21 301:9 <b>verbally</b> 123:22 <b>verbatim</b> 73:1 <b>verify</b> 133:2 317:3 <b>veritext</b> 4:23,25 <b>versa</b> 10:21 <b>versus</b> 4:14 234:6 <b>vet</b> 81:15 109:9,9 109:10,12 110:7 111:13 113:5 116:1 135:5 141:5 141:8 155:10,11 160:7 161:12 181:11 190:10 192:15 <b>vet's</b> 115:3 152:25	<b>veterinarian</b> 16:10 16:10,11,13 56:6,8 56:11 60:22 65:3 65:4,10,22 70:21 73:22 74:15 76:18 85:8,13 92:4 93:1 109:18,21 110:17 111:2,4,21 113:1 115:18 118:12,15 125:15 126:2,11 127:5 128:19 134:2 150:9,20 152:1 155:8,22 156:14 189:15 190:3,7,14,16 191:2,6,10,17,19 197:3,11,15,21 198:4,17 199:1 230:4,11,22 235:16 239:11,15 239:22 247:4 250:12 256:2,6,11 256:18,20 257:4 257:21 258:3,6,10 322:16 324:20 <b>veterinarians</b> 80:2 185:14,17 <b>veterinary</b> 3:13 40:18 57:2,10,20 58:14,24 59:6,6,9 60:2,11,25 61:22 62:20,22,24 63:3,6 63:9 65:5,9,20,21 72:2,11,21 73:4,21 74:5,11,11,14,22 75:1,3,5,5,10,20 75:23 76:10,12,25 79:8,16,25 87:3,10 87:25 88:10,15,25 89:6 112:19 115:5 116:12 118:8	119:16 126:8 136:18 137:13 142:23 149:5,8 152:5 155:18 160:10 185:23 186:1,3 188:16 191:16 196:13,21 197:2 198:21 199:1,4 203:18 221:19 239:24 315:22 316:6,12 316:23 317:7 319:12 321:13 322:5,25 <b>vets</b> 91:21 112:11 204:8 <b>vial</b> 93:9 206:2 <b>vice</b> 10:21 <b>victor</b> 177:18 193:22 <b>video</b> 4:8,11,22 193:21 <b>videographer</b> 2:22 4:1,24 5:14 80:10 80:14 163:21,25 196:3,6 226:1 254:22 255:1 257:13 335:16 <b>videos</b> 11:5 182:2 182:11 183:19 289:22 290:8,21 290:25 291:2 <b>videotaped</b> 1:14 <b>videotapes</b> 330:14 <b>view</b> 62:24 88:14 88:24 98:18 100:1 101:1 131:6 223:2 223:3 <b>violation</b> 15:16 <b>violence</b> 301:23 302:18
<b>v</b>			
<b>v</b> 13:4 206:7 <b>vaccinate</b> 81:3,22 200:12 <b>vaccinated</b> 82:19 96:23 205:11,13 205:16,18 <b>vaccinating</b> 82:1,9 <b>vaccination</b> 199:3 199:12,17,22,23 200:3,11,21 201:12,17 202:4 <b>vaccinations</b> 199:25 200:18 <b>vaccine</b> 66:12 140:6,14 201:20 205:15,20 <b>vaccines</b> 65:24,25 66:2,10,15,18 201:16 <b>vague</b> 8:25 25:14 25:19 88:17 191:7 201:9 215:20			

[virus - wide]

<b>virus</b> 139:9	<b>volunteers</b> 90:11 94:17,21 167:8,10 168:3 173:13 174:8 253:9,18	<b>wanted</b> 39:6 47:23 98:22 99:2 102:7 102:17 119:21 177:10 216:22 217:24 271:8 272:17 291:9 293:9,19,24,25	179:12,13
<b>viruses</b> 67:16,19 67:22 68:7	<b>vs</b> 1:6	<b>wants</b> 44:1	<b>weigh</b> 143:11 144:1,11,18
<b>vis</b> 192:18,18	<b>w</b>	<b>warmer</b> 255:20	<b>weighed</b> 143:22 161:9
<b>visibly</b> 129:6	<b>wait</b> 178:16 181:9	<b>washington</b> 2:16	<b>weighing</b> 145:9
<b>visit</b> 25:23 39:13 39:16,18 98:11,14 102:12 212:12 213:6 218:18 226:4	<b>waited</b> 114:19	<b>waste</b> 53:7	<b>weighs</b> 282:18
<b>visited</b> 98:4 99:14 100:4,10 222:6 226:7	<b>waiting</b> 116:13	<b>watch</b> 183:25 285:6	<b>weight</b> 71:14 84:19 130:23
<b>visitors</b> 225:17,22 225:23	<b>waive</b> 29:18	<b>watching</b> 253:13	131:4,8,13,19
<b>visits</b> 26:6,7	<b>waived</b> 29:4,10 295:13,23 338:6	<b>water</b> 265:20 327:12	143:18 144:13
<b>visual</b> 67:4 81:19 130:8 150:1,3 304:6	<b>waiver</b> 29:19	<b>way</b> 16:7 24:4 37:19 131:13	160:20,25,25
<b>visually</b> 159:15	<b>waking</b> 303:12	147:14 176:21	161:1,6,7,11,15
<b>vitamin</b> 259:24 260:12 266:9,15 266:17 273:1,5,12 273:18 274:7,16 283:11,25 284:2,3 284:12	<b>wal</b> 98:3 157:6 277:17	185:24 205:14,15 205:17 225:24	207:13,14,14,15
<b>vitamins</b> 63:12 89:25 90:1 283:16 283:21,22 284:8	<b>walk</b> 147:21 188:2 192:25 199:14 223:16 224:8 226:8,12 303:23	295:11 296:7,10 296:17 301:1 330:1	207:21 277:20,23
<b>vito</b> 195:9 269:17 270:25 271:13,19 271:23,25 272:1,7 272:12,13,15,16 284:10 333:1	<b>walked</b> 124:15	<b>we've</b> 181:24 194:22 195:11	<b>weights</b> 207:17
<b>voice</b> 290:20	<b>walking</b> 302:8	230:8 325:18	<b>welcome</b> 80:17
<b>volunteer</b> 12:19 12:20 130:17 168:12,16 172:16 272:9 307:18	<b>walks</b> 224:2	331:6,17,23 333:8	164:3 255:4
<b>volunteered</b> 168:13	<b>want</b> 15:5 19:9,18 23:20 44:2 46:22 48:19 98:22 99:2 101:4 131:12 166:9,12 172:21 180:23 181:23 192:12 193:10,20 194:12 195:23 211:16,17 212:16 214:17 251:16 265:18 267:3,5 268:4 270:18,19 272:12,15 308:24 312:20,20,21,22 312:23,25 322:18 326:22 328:25 329:18	<b>weak</b> 141:6	<b>welcomed</b> 226:5
		<b>wear</b> 226:12	<b>welfare</b> 87:3,12 88:2
		<b>website</b> 274:21 290:16,23 334:13	<b>wellness</b> 66:23,25
		<b>week</b> 34:6,8,21 54:24 121:8 131:11 179:17 181:16,16 212:23 213:1	<b>went</b> 98:12 101:21 160:13,15 165:2 165:18 172:9,25
		<b>weeks</b> 16:17,17,20 131:11 132:15,19 135:6 153:8 169:22 171:13	201:15 204:23 216:19 240:7 242:24 243:1
			<b>248:20 264:12</b>
			<b>281:18 282:10,13</b>
			<b>325:5</b>
			<b>whatsoever</b> 230:23
			<b>wheat</b> 263:1,3
			<b>whichever</b> 46:22 277:15
			<b>whispering</b> 4:4
			<b>white</b> 6:15
			<b>whited</b> 241:4
			<b>wide</b> 207:20 280:23 329:22

[wife - years]

<b>wife</b> 99:3	<b>worked</b> 6:15,16,17 6:18 325:1	324:5 333:24,24 334:18	331:22 333:8
<b>wild</b> 82:14 144:13 144:14 234:5	<b>working</b> 25:25 96:12 97:13 110:5 171:20	x	<b>year</b> 6:5 8:4 11:18 26:9 52:23 53:1
<b>wildlife</b> 103:10 104:20 105:5	<b>workload</b> 36:20 36:21 37:2 38:11	x 127:2 153:1	98:4 112:15 114:12 118:4
<b>willing</b> 294:2 297:25 298:2,6	<b>works</b> 53:14 95:3	y	130:19 140:20 149:2 153:21,25
<b>window</b> 253:15	<b>world</b> 158:16	<b>yard</b> 151:5,6,8,11 270:16	159:8 185:18 186:9,12,14
<b>wipe</b> 253:15	<b>wormed</b> 208:7	<b>yeah</b> 8:1 11:18 14:8 17:10 42:17	190:13 202:17,19 202:22 203:2
<b>wiped</b> 165:5,6,12 334:23	<b>wormers</b> 207:22	54:19 70:12 87:7 89:3 94:13,13	210:20 217:14,19
<b>wit</b> 5:22	<b>worming</b> 202:22 202:23,24	104:2 118:6	240:16 243:22,24
<b>withdraw</b> 42:19	<b>worried</b> 313:13	121:18 124:21	243:24 244:3
<b>withdrew</b> 42:25	<b>worry</b> 226:14	126:7,21 134:6,20	255:18 271:22
<b>witness</b> 5:15 14:18 15:19 16:1 17:10 29:11 35:4 52:24 69:21 87:20 193:16 194:18 195:2,22,24 202:24 203:23 228:19 231:13 243:8,11 257:10 313:15 330:3 333:6,14 334:3,21 337:17 338:1,5,12	<b>worse</b> 147:3	134:23 135:17	<b>years</b> 11:8 13:10 25:7 43:17,24
<b>woe</b> 298:4,4	<b>worst</b> 307:2,4	137:17 138:22	50:7,15,21 51:1,2
<b>woman</b> 111:17	<b>worth</b> 147:8	139:12 140:5,8,24	51:5 56:12 64:17
<b>wondering</b> 213:18	<b>write</b> 78:5 108:19 121:7 153:22 154:17 179:18	141:12,16,25	64:22,22 93:12
<b>word</b> 202:13,13,15 202:15 242:23	208:11 271:15,16 282:3,16	143:25 146:11	104:12 108:10
<b>words</b> 147:5 254:4	<b>writing</b> 30:21 105:3 187:11 239:7,8 249:2	149:4,15 152:8,24 153:22 155:3	119:12,12 141:3
<b>work</b> 6:21,22 7:3,4 7:25 15:17 68:1 94:10 95:4,16 114:23 172:15,17 228:9 229:1 267:25 294:5,8,24 295:8,17 296:3,13 297:13,14 303:1,2 325:14	<b>written</b> 75:23 119:18 186:1 237:9 238:16,17 238:24 239:9,18 239:20 247:14,15 247:15 248:21,23 314:10 325:22 327:3	156:10 157:9 160:16 167:7 170:12 173:24 174:12,16 180:13 185:7 202:16 203:8 208:3,25 209:19,21,23,24 210:4,6,16 211:6 228:22 240:6 241:18 243:2 245:1,15 246:2 250:21 254:21 263:11 279:4	142:13 143:21 149:20 151:1 153:5 154:23 155:2 156:18 158:16 159:16 162:19 168:12 174:17 175:4,8 182:8,25 183:12 183:22 184:10,23 188:11 189:20 209:16 232:23 240:16 243:22 244:25 245:22 250:9 255:25 269:5,20,22,24 270:8,22,23 274:10 285:1
	<b>wrote</b> 118:24 119:16 129:11 239:2 269:16 270:24 271:6 321:3 323:19	282:9 288:3 289:4 291:1 296:7 298:1 302:10 303:25 308:25 309:18 310:20 320:8,17	

[years - zoo]

299:2	
<b>yell</b> 321:21	
<b>yesterday</b> 176:12 177:3,4	
<b>yogi</b> 69:4,15 140:4 140:21 141:4,20 142:14 143:11 145:17 146:2 148:2,6,6,9 149:2 151:12	
<b>yogi's</b> 140:16	
<b>yogurt</b> 277:9 283:3	
<b>younger</b> 259:18	
<b>z</b>	
<b>zapped</b> 334:23	
<b>zinc</b> 265:4,8,15	
<b>ziploc</b> 308:4	
<b>zoo</b> 22:10 23:12 24:14,16,23 26:16 34:14 35:7,9 37:15 38:13,22 39:20 40:6,17 41:20 67:17 171:2 171:12,15 173:8 212:21 216:2,20 217:10 221:8,10 222:4,10,15 264:11 281:20	

Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

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